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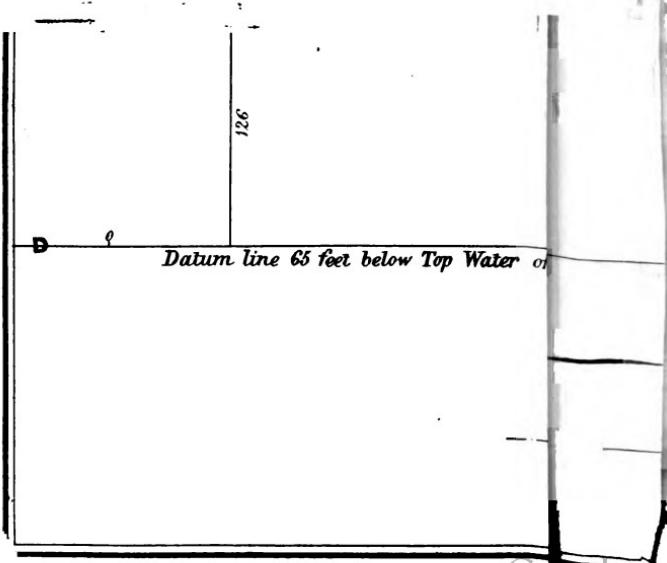
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THE LAW AND PRACTICE
OF
RAILWAY AND OTHER PRIVATE BILLS.





Railway Practice in

THE LAW AND PR.

OF

RAILWAY AND OTHER PRI

INCLUDING THE

PRELIMINARIES REQUISITE; THE ORDER OF
HOUSES, WITH PLAIN AND FULL PRACTICE;
THE FORMULA; AND THE MOST USEFUL
SUCCESSFUL MODES OF CONDUCT
OR OPPOSING RAILWAY BILLS
IN PARLIAMENT.

WITH

THE STANDING ORDERS; SPECIAL ACTS
PRECEDENTS; CASES AND NOTES.

ALSO,

A Chapter, fully describing
SPECIAL PRACTICE FOR THE PRESENT

BY

JAMES J. SCOTT

OF THE MIDDLE TEMPLE, BARRISTER

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PREFATORY REMARKS.

THE present state of Railway Bills and railway matters—the uncertainty that prevails as to the law and practice thereon—the conflicting opinions among the leading counsel and chief journals—and the immense sums that are dependent upon sound legal and practical knowledge of the Standing Orders, principles and procedure of both Houses of Parliament, and of the decisions and usual course in committees on private bills, have elicited this work. It is impossible to over-rate the anxiety that uncertainty upon these subjects occasions. Parliament itself being in nearly as much uncertainty, on various points, as the various persons who look to it as a guide and protector, an infallible standard can hardly yet be presented.

The last session produced many, and great and important alterations to meet, if possible, the changing phases which railway matters displayed. Some of those alterations are obviously wise and practical; others doubtful, until experience shall have tested their utility and appropriateness.

The House of Lords appears to have acted differently from the House of Commons, with regard to the great question of deposits; but the difference is more nominal than real, though in effect it will tend to much public convenience. It has always been the practice of the former—the peculiar conservators of the rights of property—to demand more ample and stringent proof of the means to meet the claims which may be created by new works sought to be made, than was required by the Commons' House. Long before schemes appeared for the formation of railways their lordships had called for a larger proportion of the capital to be subscribed to the contracts for fulfilling the works proposed to be carried out under bills included in the second class, than the Commons demanded by their Standing Orders. Nor can this be deemed unwise or undesirable. Some months necessarily elapse before such bills arrive in the House of

Lords; and, while it would be inexpedient to the general welfare to prevent great improvements taking place by insisting upon too large an amount in the first instance, it is just, before such works are absolutely engaged in or commenced, that protection should be given to those persons whose property may be taken in order to allow the scheme being carried out. Thus the Lords are the peculiar protectors by practice, if not principle, of existing interests.

Immense speculation, from the accumulation of wealth, resulting from good harvests, extended commerce, and national successes in China, and elsewhere, has taken place during the last year in railway projects. The monetary world is deeply involved. The sound and legitimate railways are as secure investments as either the funds or the land. Those who heretofore opposed them from a contrary opinion, have not only abated their hostility, but have become ardent advocates. The history of the Liverpool and Manchester line, with the opposition of powerful noblemen (referred to in another part of this work) testifies to the fact. This conviction has led to greater impulse for railways than was the previous resistance to them. Over-

speculation has been the natural result. Much evil may exist in consequence; and, perhaps, a better remedy cannot be found than *to make clear the Law and Practice of Parliament*, so far as it can be known, concerning this new, immense, and permanent Power which has so recently sprung into existence.

It is with the view of in some degree clearing away the doubts and difficulties which might arise from a misconception of the Law and Practice of Parliament, that *must* govern this new power, the author has been induced to enter into this important subject. He does not presume—in fact he cannot expect—to meet every case which may arise. Circumstances have placed him professionally in the midst of many of those doubts and difficulties; and, having been so positioned, he has felt that he should at least do no injury to the great mass of railway speculators, and those persons who may be interested in railways, by offering to them the result of his long-continued study upon, and attention to, the subject. In such a volume little can be the result of original thinking. If there be any merit, it is that of having marshalled the facts and the decisions.

The practice, as it at present obtains in Parlia-

ment with respect to private bills, in cases not specifically provided for by the Standing Orders, is uncertain, irregular and perhaps to be created more by the talent of counsel, the partiality of the judges, the energy of the claimants, and the special facts, than by any great leading principles of law. If it be objected to the author that he has not met all the multifarious cases which are now arising, it may be answered that no decisions have hitherto been arrived at upon many of those cases. It may, indeed, be asserted that the Law and Practice of Parliament, as to railways are not only in gloom and uncertainty, but in a transition state. All that can be hoped is, that this work may be (in limited degree, and in a humble sense, indeed, is the comparison intended,) like Montesquieu's *Esprit des Loix*, an indication of the great leading principles of the subject upon which it treats, namely, the continually varying Law and Practice of Parliament. The details will be constantly altering, to meet new circumstances and to carry out the objects in the manner extended experience may seem to declare the best. Still the foundation, the fundamental principles which have hitherto guided and influenced both Houses in their treatment

of and decisions on private bills, will, in all probability, remain unchanged. If such prove the fact, some service will have been rendered by the attempt here made to develope and describe the motives and doctrines which weigh with Parliament in its dealings with the railway and other private bills that come before it.

One thing, however, may be considered as certain and established beyond all doubt, viz. that the high court of Parliament, more than any other court, looks to the *equity* of the case in each particular instance. The judge abides by the letter of the law and by precedents. The committees, however, of both Houses, from the desire to do substantial justice, look more to the circumstances. Hence there never can be so established a code of Parliamentary practice as of the practice of the courts of common law. This fact will serve as explanation of any difference that may arise, or has arisen respecting the decisions of the two Houses. It cannot be hoped to make all those decisions uniform and consistent. The leaning and tendency must be looked to more than the express judgment in each individual case. The ever-varying judges of the committees of both Houses of Parliament,

with their ever-varying sympathies, opinions, and feelings of high honour and attention to those who address them, must leave anything like specific declaration of the law and practice of private bills impossible. So far as they can be arrived at, careful description thereof has been attempted in these pages, and the volume is offered with these reservations to all persons connected with railway bills, or interested in their progress through the legislature.

To solicitors, who generally must be limitedly, if not wholly unacquainted with the practice of Parliament,—a subject which forms no part of their duty to study, for obtaining admission into the profession,—it is offered in the expectation that they may find in it all requisite information respecting conducting railway and other private bills through both Houses. The knowledge of law, and of those great elementary principles which govern the Courts of Equity, as well as those of common law, enables solicitors generally to form just conclusions on most questions that are submitted to them or come under their consideration. In a vast majority of cases, perhaps, they would, with no such work as this, not go far wrong. Still, if even a small proportion may be

uncertain as to the law and practice of Parliament, it may be some use to that minority.

The resolutions adopted by both Houses, this session, for effecting changes in the mode of dealing with railway bills in Parliament,—changes rendered necessary by the unparalleled pressure of railway business this year, are included in this work; and their effect upon the practice pointed out. As those changes are, however, only of a temporary nature, to meet a temporary emergency (the resolutions being strictly limited to railway bills “during the present session,”) they have been stated and arranged in a separate chapter, as it was considered advisable not to embody the details of this temporary departure from accustomed practice in the description of the usual course of procedure in passing private bills through Parliament.

Before closing these preliminary remarks, the author has a pleasing duty to perform in acknowledging advice given him while preparing the following pages. W. S. Northhouse, Esq. (who, as a Parliamentary agent acquired great practical information upon such subjects) has rendered valuable aid by suggestions respecting important minutiae of practice in both Houses. To J. A.

Walmisley, Esq., also, like acknowledgments are due, for the promptitude with which he applied the results of many years' acquaintance with the forms of procedure in Parliament upon private bills, to secure accuracy in the details of the work.

Some explanation is requisite with regard to the *second* (and *amended*) plan inserted in this volume. The diagram that accompanies the official copies of the Standing Orders of both Houses was prepared in 1837, and has not since been altered, although numerous additional Standing Orders relative to the preparation of railway plans and sections have been adopted, almost every session. The official diagram, therefore, is no longer sufficient to show compliance with all the orders ; and it was therefore deemed desirable by the author that an amended plan should be prepared. Diagram No. 2 is consequently added. It has been corrected and arranged for the work by a near relative, who besides being an engineer upon one of Mr. Brunel's lines in the west of England, has had considerable experience in the examination of deposited plans, and in the detection of non-compliances with the Standing Orders therein. It is presumed, therefore, that it will

prove a valuable addition. The official plan is likewise given, for the satisfaction of those who desire to see the diagram as issued by authority of both Houses, with the *latest* edition of their Standing Orders.

With these observations, the present volume is committed to the press, in the hope that it may be found really practical and useful; not as a rival to other works that are already published on the subject, but to occupy (in many important particulars) ground not previously taken.

JAMES J. SCOTT.

*The Cloisters, Temple.
March, 1846.*

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level of rails at West Dray

PART I.

PROCEEDINGS PRIOR TO THE INTRODUCTION OF PRIVATE BILLS INTO PARLIAMENT.

CHAPTER I.

PRELIMINARY PROCEEDINGS FOR ESTABLISHING RAILWAY COMPANIES.

Provisional Registration.

It has been deemed advisable, by way of introduction to the body of this work (descriptive of the proceedings to be adopted in passing a railway bill through the two Houses of Parliament), to give a brief account of the steps required to be pursued by persons who desire to establish the company in the first instance.

The following regulations have been prescribed by the Act 7 & 8 Vict, c. 110, entitled the Joint Stock Companies' Registration Act.

The promoters must, in the beginning, before any publicity can be given to the intended scheme, make returns to the Registrar of Joint Stock Companies (according to forms contained in schedule (C) of the said statute—see Appendix), and which must contain the name of the proposed company, the business or purpose thereof, and its place of business (if any). They must, further, give the names of the promoters of the company, their occupations, places of business (if any), and their places of residence.

When the name, business, and promoters of the company have been returned, a certificate of "*provisional registration*" is granted, which enables the company to act provisionally for twelve months. Each sheet required for the return should be signed by one or more of the promoters; and the date within should be that of the period up to which the return is made out.*

Also, either before or after the publication of the prospectus of the intended company, a return must be made (signed by one or more of the promoters, or their registered solicitor, with the date of making the return), stating,

1. The name of the street, &c., in which the place of business is at the time situated. (Form 4 in the list furnished by the Registrar of Joint Stock Companies.)

* For Forms, and full particulars, see Appendix.

2. The names of the committee, or of the promoters acting in the formation thereof, their occupation, rank, or usual title, their place of business (if any), and their place of residence. The persons making this return should describe themselves under the name they may have resolved to assume, such as "provisional committee," "provisional directors," &c. The return must be accompanied by the consent of each committee-man, or provisional director, to become such, and also the written agreement of each of them entered into with trustees for the company, to take one or more share or shares in the proposed scheme. This agreement must be signed by each provisional committee-man, or director, but need not be stamped. This return must be made within a month after the provisional direction or committee is formed, under a penalty not exceeding 20*l.* Each sheet of this return also must be signed by one or more of the promoters of the company, or their registered solicitor. (Form 5.)

3. A return of the provisional officers of the company, with the description and name of officer, occupation, rank, or usual title, place of business (if any), and residence. This must be made within a month after the first of these officers is appointed, under a penalty not exceeding 20*l.*; and each sheet must be signed in the same way as the other returns, the date within

being likewise that up to which the return is made out. (Form 6.)

4. A return of the subscribers to the company, containing the serial number, the surname (first) and christian name, occupation, rank, or usual title, place of business (if any), and residence, and a reference to the return of subsequent changes by death, marriage, &c. The surnames must be in alphabetical order; and the return made within a month after any one person has agreed in writing to take any share in the proposed company (under a penalty of 20*l.*). The first and last columns (containing serial number and reference to return of subsequent changes) are not to be filled up by the company. This return must be, likewise, as above described. (Form 7.)

Before the scheme shall be made public, or the plan circulated, a further return, containing a copy of every prospectus, circular, hand-bill, advertisement, or other such document, relative to the formation or modification of the proposed company, and of every addition to, or change in the same, must be made to the registrar *previously to their circulation*. If any of these documents be a modification of one previously registered, a reference must be made in this return to the title and date of registry of such altered document; and the additions and omissions must be signified by marks in ink upon the document

presented for registration. This return must be signed as before described. (Form 8.)

Subsequently (from time to time, until complete registration has been effected), a return must be made of a copy of every addition to, or change in any of the particulars previously given.

The promoters will not be subject to the penalties mentioned above, if they appoint a solicitor, and forward a duplicate of the appointment to the registrar, signed by at least one promoter, together with a duplicate of the acceptance of such appointment, signed by the solicitor himself. (Form 9.) Until this appointment be registered, all returns prescribed for provisionally registered companies must be signed by one or more of the promoters; but, subsequently, and until revocation or resignation of the appointment, they must be signed by the solicitor. (Forms 10 and 11 are for the duplicates of revocation and resignation of this officer in any case.) After the due registration of the appointment of the solicitor, and of his acceptance, he becomes liable to the penalties already mentioned, instead of the promoters, in case he fails to make the proper returns in proper time; and he may further be suspended from practising his profession, or be struck altogether off the rolls, if he fraudulently omit to make returns of the required particulars. This authority to make them, however, ceases when the company is completely registered.

The provisional certificate lasts a year from its date, and is obtained on paying a fee of 5*l.*; but it may afterwards be renewed or extended for a second twelvemonth (but for no further period), on a further fee of 2*l.*

Powers of Company under Provisional Registration.

On provisional registration a company has (according to sec. 23 of the Joint Stock Companies' Act, 7 & 8 Vict. c. 110) the following powers:—The promoters may,—

1. Assume the name of the intended company, but coupled with the words, “registered provisionally.”
2. They may open subscription lists.
3. They may allot shares and receive deposits, by way of earnest therein, at a rate not exceeding 10*s.* for every hundred pounds on the amount of every share in the capital of the intended company (but there is nothing to prevent the creation of shares, less in amount than 100*l.*, mentioned in the clause), and such further sum in addition thereto as may be required by the standing orders of either House to be deposited before the obtaining of an act for enabling the company to execute such work.
4. They may, also, perform such other acts only “as are necessary for constituting the company, or for obtaining letters patent, or a charter, or an Act of Parliament.”

A provisionally registered company, however, may not make calls, nor must they purchase, contract for, or hold lands, nor enter into contracts for any services, or for the execution of any works, or for the supply of any stores, except such services, and stores, and other things as are necessarily required for establishing the company, and except any purchase or other contract be made conditional on the perfect formation of the company, and to take effect after the certificate of complete registration and Act of Parliament shall have been obtained ; and, also, except contracts for services in making surveys and performing all other proceedings necessary for obtaining the act for making the said company to execute the works.

A penalty not exceeding 25*l.* for every offence is imposed (by the 24th clause of the same act) on persons who, *before a certificate of provisional registration is obtained*, shall (whether they be the promoters, or any of them, or any person employed by or under them) "take any moneys in consideration of the allotment of shares or of any interest in the concern, or by way of deposit for shares to be granted or allotted ; or who shall issue in the name, or on the behalf of the company, any note, or scrip, or letter of allotment, or other instrument, or writing, to denote a right, or claim, or preference, or promise, absolute or unconditional, to any shares ; or who, lastly,

shall advertise the existence or proposed formation of a company, or make any contract whatever for or in the name, or on the behalf of such intended company."

Certificate of Complete Registration.

The following proceedings are requisite in order to obtain a certificate of Complete Registration :—

The deeds of partnership or subscription contracts must (according to clause 9 of the 7 & 8 Vict. c. 110) be deposited at the proper offices of the two Houses of Parliament, in compliance with the standing orders of such houses respectively, and at and within the time prescribed thereby; and the company must, further, return to the Registry Office a copy of such deeds of partnership or subscription contracts, together with a certificate of the receipt of such plans, sections, and books of reference as shall be appointed by the committee of privy council for trade. [The deeds here mentioned have been already referred to.]

These provisions being complied with, the Registrar of Joint Stock Companies is required by the statute "to accept the above mentioned documents instead of the deed of settlement by the Act required to be returned for the purpose of obtaining a certificate of complete registration; and thereupon such com-

pany is entitled to a certificate of Complete Registration."

This certificate of complete registration endures until the Act of Parliament is obtained, but ceases thenceforward to have effect. The words of the 25th section in relation thereto are, "Upon obtaining such Act of Incorporation, or such other act as aforesaid, or at the time of the coming into operation of such act, as shall be thereby appointed, all the powers which any such company shall obtain by virtue of this act, and all the provisions and regulations of this act which shall apply to such company, shall cease and determine, except so far as shall be otherwise provided by such Act of Incorporation, or such other act as aforesaid."

Powers and Privileges on Complete Registration.

The powers of privileges of any company on complete registration having been effected are declared and enumerated in the 25th section of the Joint Stock Companies' Act; and they may be thus briefly stated. They are empowered:—

1. To use the registered name of the company, adding thereto "registered," (instead of "provisionally registered," as was requisite heretofore.)
2. To have a common seal on which must be inscribed the name of the company.

3. To sue and be sued by their registered name in respect of any claim by or upon the company upon or by any person, whether a member of the company or not.

4. To enter into contracts for the execution of the works, and for the supply of stores, or for any other necessary purposes of the company.

There is a proviso, however, that with respect to any company for executing any railway, &c., which cannot be carried into execution without the authority of Parliament, that, on complete registration and before obtaining an act, it shall not be lawful for any such company, or the directors or officers thereof, to exercise the powers (granted by the act to other companies) to enter into contracts, otherwise than conditionally upon obtaining such act, or to exercise the power to receive instalments from shareholders beyond the sum or per-centage necessary to be deposited in compliance with the standing orders, or such other sum as may be requisite for obtaining the act, as to exercise the power to borrow money as aforesaid, or to exercise the power to declare dividends as aforesaid.

Subject to these last-mentioned exceptions, all the powers by this enactment given to any company completely registered, except the general power to perform all acts necessary for carrying on the business of the company, may be exercised as fully by any such company so completely

registered, as by any other company so completely registered: "Provided always, that it shall be lawful for any such company to perform all acts which may be necessary for obtaining an Act of Incorporation or other act for obtaining the authority of Parliament to execute its works as aforesaid, anything herein contained to the contrary notwithstanding."

Upon obtaining such act, or at the time of the coming into operation thereof, all the powers that any company shall obtain by virtue of this Joint Stock Companies' Act, and all the provisions and regulations of that act which shall apply to such company, cease and determine, except so far as shall be otherwise provided by the act passed in the particular instance.*

It is an important question that has lately been much discussed, how far this Act 7 & 8 Vic. c. 110 affects railway and other parliamentary companies.

The second section expressly provides that "except as hereinafter specially provided *this act shall not extend* to any company for executing any bridge, road, *railway*, &c. &c., which cannot be carried into execution without obtaining the authority of Parliament."

The various proceedings in connection with the "provisional registration" of any company are set

* Vide Act 7 & 8 Vict. c. 110 in Appendix.

forth and prescribed by the 4th clause of that act; and that clause declares that they apply to companies, "whether for executing any such work as aforesaid *under the authority of Parliament*, (including railways, vide Sec. 2) or for any other purpose. Sec. 7 provides for the "Complete Registration" of any Joint Stock Company, "whether for executing any such work as aforesaid under the authority of Parliament, or for any other purpose;" and the 25th section restricts the powers of railway among other companies for executing parliamentary works, after complete registration, and before such company shall have obtained its Act of Incorporation, or other act whereby the authority of Parliament shall be granted for executing such work.

The 26th section enacts (*inter alia*), and it is important to attend to the words of this portion of the clause : "With regard to subscribers, and every person entitled or claiming to be entitled to any share in *any joint stock company*, the formation of which shall be commenced after the first day of November, 1844, that *until such joint stock company shall have obtained a certificate of complete registration*, and until any such subscriber or person shall have been duly registered as a shareholder in the said registry office, it shall not be lawful for such person to dispose, by sale or mortgage, of such share, or of any interest therein, and that every contract for, or sale or disposal of

such share, or interest shall be void, and that every person entering into such contract shall forfeit a sum not exceeding ten pounds ; and that for better protecting purchasers, it shall be the duty of the directors of the company by whom certificates of shares are issued, to state on every such certificate *the date of the first complete registration of the company*, as before provided ; and that if any such director or officer knowingly make a false statement in that respect, then he shall be liable to the pains and penalties of a misdemeanor."

Section 58 of the same act imposes a penalty not exceeding 50*l.* in all cases where "joint stock companies to which this act is hereinbefore made to apply, and which shall exist on the first day of November, 1844," shall not within the prescribed time "*register* such company at the office for the registration of joint stock companies." However, the section afterwards states, that the certificate of registration then obtained "shall not be considered a certificate of complete registration, *so as to confer on any such company the powers and privileges of this act.*"

From these portions, and from the general tenor of the act, it would seem that it was, at all events, the intention of Parliament to include railway and other parliamentary companies in the provisions of the clause regulating the disposal of shares, &c. in joint stock companies. Neverthe-

less, whatever view may be taken of this question, prudence would dictate the propriety of complete registration, as the safest course of proceeding on the part of promoters of railway companies.

CHAPTER II.

PROCEEDINGS REQUISITE BEFORE PRESENTING PETITION TO PARLIAMENT FOR A BILL.

INTRODUCTORY REMARKS.

1. *Difference of Parliamentary from Legal Practice.*

THERE is a great difference between the practice of committees of the two Houses of Parliament, and of the courts of law. Although the former are strongly disposed to act according to the letter of the standing orders, they are by no means so bound down by precedents as the latter. In any case of non-compliance with the standing orders, if it can be shown that those standing orders have been in substance complied with, though not strictly to the letter, the committees of both Houses have generally been found to yield and allow parties to proceed, notwithstanding such non-compliance, acting rather like equitable arbitrators (if the term may be allowed)

than strict lawyers. A very recent case occurred within the author's knowledge, in which a parliamentary committee departed from the practice of their predecessors in all similar instances, upon the reasonableness of such departure being proved to them. It was the case of an insurance company (to be established in London), in which the solicitor to the promoters had neglected to advertise in the papers of the county of Middlesex, which appeared to be necessary, according to the uniform practice up to that period, under the language of the standing orders respecting the publication of notices three successive weeks in the Gazette, "and in some one and the same newspaper of the county in which the city, town, or lands to which such bill relates, shall be situate," &c. (H. C. 15, H. L. 220, s. 2). Every one of the parliamentary agents declared such to be the practice, with the sole exception of the gentleman employed by the solicitor who had so neglected the due and usual publication of the notices. This agent, indeed, it is not unlikely, would, under other circumstances, have joined with his brethren in the expression of a similar opinion. It was, however, held upon consultation between Mr. Greene, M.P. (then the chairman of the sub-committee, and now chairman of Ways and Means), and Mr. Aglionby, M.P. (the chairman of another sub-committee, then sitting in an adjoining room), together with the members of each sub-

committee, that the principle was that the standing order did not require such advertisement to be inserted in any papers but the Gazette, seeing that the intention of the Legislature was to make such advertisements apply to cases where lands were to be taken, or where the subject matter of the bill could be locally defined or confined ; but as the business of this company would be indefinite and multifarious, and they might have to sue or be sued in any court of judicature in the kingdom, it was held that there had been a sufficient compliance with the standing order, by the appearance of the notice in the Gazette alone, which Lord Shaftesbury (acting for the House of Peers) ultimately confirmed and allowed. The exception, therefore, sought by the agent for the bill, was granted in both Houses. (Case of the Royal Farmers' Insurance Company, 1841.)

2. *Where Parliamentary Practice is strict, and where not.*

It is necessary, however, at the same time, to state that committees of both Houses of Parliament are strict as to matters of right or property. Nothing can prevent any suitor or opponent to any bill introduced into either House, where he really has a good case, from being successful in obtaining a hearing and consideration, though possibly not all he might with justice expect, if he can actually show that any injury to his property

will result from the measure under discussion and investigation. Prospective property is likewise fairly taken into account, as well as inchoate rights. Every man who has the least *locus standi*, even to the possible liability to a parochial, municipal, or joint stock company rate, is allowed a hearing before the committee to which the bill he opposes may have been referred. In the case of the Leeds Waterworks Bill, an innkeeper of a very humble class, petitioned, or appeared to petition, against the bill, on the ground that it would prevent a better system of waterworks being established, and cause him, moreover, to pay more rates than otherwise he would be called on to pay. The former part constituted no ground whatever: the latter had a shadow of right. This was merely a possible contingency; and a contingency arising from a diversity of opinion, making it a contingency upon a contingency. Sir John Beckett, M.P. for Leeds, was in the chair, surrounded by a committee composed of Mr. Baines, the other member for Leeds, Mr. Marshall, M.P. for Carlisle, &c. The innkeeper had no other *locus standi* than the possibility of his being rated under the new Waterworks Company's Act; but upon that ground he opposed it. There were six several divisions as to whether the agent of such innkeeper could be heard, as it continually became more apparent that it was not he who was fighting the battle at all, but merely



for an engineer who had been disappointed of forming the works. It was clear to the whole committee that the agent was not acting for the innkeeper, but it was understood he appeared really for this engineer, who had obtained the first prize for making plans of these waterworks, yet had been deprived of the making of them by some local influence that had obtained the office for a rival candidate. Still, with the knowledge of these facts, so sacred do the committees consider the right of the subject to be heard, who might have to pay any rates, &c. under the bill sought to be obtained, that the committee in this instance allowed the case to be carried on against the bill for several days, until the other party promoting it, silenced the opponent in question by paying his bill, and thereby got rid of the opposition of the innkeeper, who was merely a tool in the hands of other parties.

3. Composition of Committees.

The composition of committees has been materially altered on elections, and likewise on private bills generally, by the regulations that have taken place since Sir Robert Peel came into office as prime minister of the crown. It is quite clear that where there is a strong case of bribery established against any member of Parliament, no matter what may be the inclination of the House or the inclination of the committee to whom the petition may be referred,

justice will be done. In the same way, justice will be done in the case of private bills, such as inclosure bills, and others affecting the interests of those who have little power to approach Parliament from their poverty or ignorance. Such bills are not allowed to pass so easily and rapidly as formerly. In truth, the committees of the House of Commons, though not more responsible, are much more worthy of respect than they used to be. Their vast increase of business obliges them to circumscribe the number of persons addressing them, and the cases brought before them. Nevertheless they are always open to the due consideration of any real grievance, or any real claim that may be proposed to them. It is a matter of some importance that the leading counsel who attends a committee of the House of Commons, should be known to them from having sat with them in the House, or from being in the habit of associating with them; and that the junior counsel should be enabled by his knowledge of forms, and the practice of committees, to assist the committee in arriving at just and practical conclusions. A committee, in truth, is a body of gentlemen feeling the weight of equitable responsibility, and not a body of learned men governed almost entirely by forms and precedents. At the same time, the obligation to attend to the principle of the several standing orders, has every weight, and almost paramount influence with the members

of any committee. They may regret upon some occasions that they are obliged to come to a particular conclusion, and they may express their regret in their reports to the House, but they will not venture to act in direct opposition to the orders of that House.

The urbanity and exceeding kindness of committees of the House of Commons, under the circumstances in which they are placed, merit remark. It has sometimes been a popular prejudice that these gentlemen are paid for their attendance, but this supposition is entirely without foundation. It has never appeared that they have derived any benefit, directly or indirectly, from those labours. Yet to consider that gentlemen, upon great general questions affecting not their own constituents, but the constituents of other members, in the great majority of cases, are kept in the House until twelve or one o'clock in the morning, from the time of the commencement of the sitting at four in the afternoon, and then have to be at their respective committee-rooms at 11 or 12 in the morning, and hear all the difficult, tedious, verbose, and often-repeated arguments they consent to listen to, it is almost remarkable that they should act with the kindness, urbanity, and consideration that are characteristics of these committees. There are occasional exceptions to this honourable rule; but the majority will well bear comparison with

either the magistrates at quarter-sessions, or the judges at Nisi Prius. This to the young barrister is a most pleasing and grateful fact. He will neither feel himself under the wand of a judge nor the thumb of a favourite leader. He will feel himself among gentlemen, with whom gentlemanly manners and reasonable arguments will prevail. A committee of the House of Commons is to the young barrister a great relief from the formality and excessive study required in the preparation of cases in the courts of law. At the same time, a claimant, without even the benefit of counsel, who shall have properly petitioned the House, will be kindly heard, and, though he may not be supported by agents or legal advice, he will be by no means treated with inattention or disrespect by the committee.

The composition of committees of the House of Commons, it has already been remarked, has, within a few years, undergone considerable changes. Formerly, the committee on a bill was composed of members of the House connected with the *locus in quo*, generally selected, canvassed, and induced to attend by those who brought forward the project, and occasionally had to find other members to sit with them. Thus, in truth, unless opposing parties tried to get other members from the same locality likewise to sit on the committee appointed to investigate the bill, they had no chance of success

in such opposition to the measure, whatever its merits or demerits might be. In such a state of affairs, so obnoxious to undue influences and unjust favoritism, all, or nearly all, that was desired was carried by the promoters. Now, however, any opposed bill is referred by the committee of selection to the Speaker's list of that county, or that division of a county to which the bill specially relates, and to such number of members, not locally interested, as the circumstances of the case shall, in the judgment of such committee of selection, require. (H. C. 50.) The committee of selection directs, in each case, what number of members (not locally interested in the bill), selected and added to the Speaker's list by them, shall be a quorum of such members. (H. C. 51.) The clerk of this committee of selection has to give notice to these members of their names being so added, and of the time when the committee on the bill shall have been appointed to meet. (H. C. 52.)

Unopposed bills are referred to the chairman of Ways and Means, together with the members ordered to prepare and bring in the bill. (H. C. 6 and 54.) This refers to bills originating in the House of Commons (which nearly all private bills do, except estate, divorce, naturalization, or name bills, which, on the contrary, originate in the Lords). The committee, however, on any "unopposed private bill" (not

being a divorce bill), which shall have been brought from the Lords, consists of the chairman of Ways and Means, and of not less than two other members, to be named by the committee of selection; and the chairman of the committee of Ways and Means becomes chairman of the committee on every such unopposed private bill. This chairman and one of the other members form the quorum required to be present during the whole progress of the bill through the committee, which is necessarily short, and almost confined to the mere marginal notes, without going through the clauses themselves. (H. C. 6.)

[See Chapter on "Special Practice for the present Session," 1846.]

PROCEEDINGS ANTECEDENT TO THE PRESENTATION OF THE PETITION.

SECTION I.

Of Notices in the Gazette, &c.

Notices of Application.

Notices must be given in all cases where it is intended to make application to Parliament to bring in a bill relating to the making, maintaining, varying, extending, or enlarging (*inter alia*)

any railway, or for continuing or amending an act passed for the above purpose, where no further work than such as was authorized by a former act is proposed to be made. (H. C. 14; H. L. 220, sec. 1.)

Publication of Notices.

All such notices must be published in three successive weeks in the months of October and November, or either of them, immediately preceding the session of Parliament in which application for the bill is intended to be made, in the London, Edinburgh, or Dublin Gazette, as the case may be that of an English, Scotch, or Irish bill. They must also be published three successive weeks in the same months, or either of them, in some one and the same newspaper of the county in which the city, town, or lands to which such bill relates shall be situated. If, however, there be no paper published therein, then these notices must be so inserted in the newspaper of some county adjoining or near thereto; or if the bill do not relate to any particular city, town, or lands, in the London, Edinburgh, or Dublin Gazette only, as the case may be. (H. C. 15 H. L. 220, sec. 2.) It should be observed that the notices in the local papers should be *verbatim et literatim* the same as in the Government Gazette. Where notices have to be published in local newspapers, it is very necessary, where such

papers are issued but once a week, to be careful to arrange so that the three weekly notices appear *before the month of November is out*, in which the publication may have commenced. Thus, in the case of a county paper appearing only on a Saturday, two weekly publications of the notices might appear in due time, while the publication on the third Saturday might by possibility not be within that month. Consequently great care must be taken to arrange the appearance of the notices so that the three consecutive weekly publications of them may all fall within the month of November, in accordance with the above orders of the two Houses. With regard to the gazettes, there is no such great need of caution, as they appear twice a week regularly, and there is frequently an extra number,—so that, for instance (in case of a pressure of time from the end of the month being near), these notices might appear on a Friday in each of the first two weeks, and on a Tuesday in the third, while such a plan of course could not be adopted in a weekly county paper, published only *on the Saturday*.

The promoters of railway bills *ordered to be engrossed in the session of 1845* had to give notice, by advertisement for *six successive weeks*, in October and November, in the London, Edinburgh, or Dublin Gazette, as the case might be, and in the local paper or papers which may be usually in circulation in the part of the country through

which the line of railway is proposed to pass, of their intention to present a petition for the re-introduction of any such bill.

Time for Delivering these Notices.

All notices that are required by the Standing Orders of the two Houses of Parliament to be inserted in the London, Edinburgh, or Dublin Gazette, must be delivered at the office of the gazette in which the insertion is requisite to be made, during the usual office hours, at least *two clear days* prior to the publication of the gazette, and the receipt of the printer for such notices is to be deemed proof of its due delivery in accordance with such orders. Where the gazette in which the first notice is to appear is published on a Tuesday, then it will be necessary to deliver it on the preceding Friday, seeing that Sunday is a *dies non*, and that there can therefore only be the "two clear days" of Saturday and Monday. It should be observed, though the legislature has given greater ease to the printers of the gazette by this regulation, the printer has reciprocated the facility by publishing extraordinary gazettes on Wednesdays, Thursdays, and Saturdays, in addition to the usual Tuesdays and Fridays—so as to include every possible day, to prevent disappointment to the suitors to the House.

In *all* cases (except where notices have to be affixed to church doors), no notice will be valid if

given, or application made, on a Sunday or Christmas day, or before eight in the forenoon or after eight in the evening.

What Notices must contain.

These Notices (which are not required to be signed, though it is usual for the solicitor to do so) must contain (in the case of railway bills) the names of the parishes, townships, town, lands, and extra-parochial places from, in, through or into which the work is intended to be made, maintained, varied, extended, or enlarged. They must also state the time and place of deposit of the plans, sections, and books of reference respectively, with the clerks of the peace, parish-clerks, school-masters, town-clerks, and postmasters, as the case may be. (H. C. 22.) The House of Lords, S. O. 223, sec. 1, is to the same effect, except that the last line runs thus:—"Parish-clerks, school-masters, town-clerks, and clerks of the union, as the case may be" (adding "clerks of the union" to the Commons' order, and omitting "postmasters" therefrom).—[*Vide Note.*]

If it be intended to obtain powers for compulsory purchase of lands or houses, or to levy any tolls, rates, or duties, or to alter any existing tolls, &c., or to confer, vary, or extinguish any exemptions from payment of tolls, &c., or any other rights or privileges, the notices must specify such intention. (H. C. 16; H. L. 220, sec. 3.)

Notices at Quarter-Sessions.

There is only one great difference between the Standing Orders of the Houses of Lords and Commons as to Notices. The Lords (by Standing Order 223, sec. 2) require that all notices (with respect to bills included in the second class containing railway bills, &c.) shall, in addition to being given in the gazette, &c., be likewise given at the general quarter-session of the peace which shall have been held for every county, riding, or division, in or through which the work shall be made, maintained, varied, extended, or enlarged, at *Michaelmas* or *Epiphany* preceding the session of Parliament in which application is intended to be made, by affixing such notice on the door of the session house of every county, &c., where such general quarter-session shall be held.

In *Scotland*, these notices are to be affixed in the same way on the doors of the churches of parishes in or through which the works are intended to pass, and for *two* Sundays in each of the months of October and November immediately preceding the introduction into Parliament of the bill in question. (H. L. 223, sec. 2.)

This order is frequently overlooked, and bills are in consequence sent to a subsequent session, through the ignorance of those who ought to look to the compliance in all respects with the orders of both Houses.

Under any circumstances, of course, it is absolutely requisite that this Standing Order of the Lords should be attended to; but a state of things might possibly occur in which it would be necessary that the notices should have been given at the earliest date mentioned, namely, during the Michaelmas sessions. Parliament might from some special causes sit much before the usual time, and before the Epiphany sessions. In that case, it would be necessary that the notices should have been given at the preceding Michaelmas sessions; and if so this proves that under some circumstances (and those not of any peculiarly unlikely nature) notices must be given some time before the date at which it is requisite to give the first notice in the gazette. Thus, supposing Parliament to meet before the Epiphany sessions, it is clear that the notices must be given at the Michaelmas quarter-sessions, in accordance with this order of their lordship's House. Those latter sessions, however, are held *many weeks* before the earliest notice in the gazette is necessary, and consequently the utmost caution is required on the part of those to whom the care of bills is entrusted, that these formal but most important matters should be attended to and complied with at the *earliest possible period*, as thereby many risks and hazards may be avoided, and defects counteracted in time.

Section II.

First Deposits of Plans, &c., (by November 30).

1. Deposit of Plans, &c., with the Board of Trade.

In the case of railway bills, a copy of all plans, sections and books of reference required by the orders of each House to be deposited with the clerk of the peace or sheriff-clerk on or before the 30th November immediately preceding the session in which application for the bill shall be made, together with a published map, to a scale of not less than *half an inch to a mile*, with the line of railway delineated thereon so as to show its general course and direction, shall on or before the same day be deposited likewise in the office of the railway department of the Board of Trade. (H. C. 23 a; H. L. 227.)

2. Deposit with Clerk of the Peace, &c.

On or before the same day, a plan and duplicate, on a scale of not less than *four inches to a mile*, must be deposited at the office of the clerk of the peace for every county, riding, or division in England or Ireland, or in the office of the principal sheriff-clerk of every county in Scotland, in or through which the work is proposed to be made, &c. (H. C. 23.)

Copies of so much of the Standing Orders of the House of Lords on private bills as relates to the deposit of plans, sections, books of reference, and other books and writings, or extracts or copies of or from the same, must be delivered (at the same time with the plan or other writing, or extract or copy of or from such plan or other writing, deposited with him) to clerks of the peace of counties in England or Ireland, sheriff-clerks in Scotland, parish-clerks in England, schoolmasters in Scotland, town-clerks of royal burghs in Scotland, clerks of the union in Ireland and other persons. (H. L. 223, sec. 11.)

Contents of Plans and Sections.

The plan must be prepared on a scale of not less than *four inches* to a mile (the accompanying published map alone being on that of not less than *half an inch* to the mile), and must describe the line or situation of the whole of the work, and the lands in or through which it is to be made, &c., or through which every communication to or from the work shall be made. (H. C. 23; H. L. 223, sec. 3.)

When, however, powers are sought to make any lateral deviation from the line of the proposed work, the limits of such deviation must be defined upon the plan, and all lands included within such limits must be marked thereon. Further, in all instances, except where the whole

of such plan is upon a scale of not less than a quarter of an inch to every 100 feet, an additional plan of every building, yard, court-yard, or land within the curtilage of any building, or any ground cultivated as a garden, either on the original line or within the limits of the deviation, must be laid down on the plan or on an additional plan to be deposited therewith, also upon a scale of not less than a quarter of an inch to every 100 feet. (H. C. 24; H. L. 223, sec. 4.)

The section must be drawn to the same *horizontal* scale as the plan, and to a *vertical* scale of not less than *one inch* to every 100 feet. It must show the surface of the ground marked on the plan, the intended level of the proposed work, and a datum horizontal line, that is to be the same throughout the entire length of the work, or any branch thereof respectively, and to be referred to some fixed point stated in writing on the section, near either of the termini. (H. C. 25; H. L. 223, sec. 5.)

The plan must exhibit thereon, also, the distances (in miles and furlongs) from one of the termini; and a memorandum must be noted on the plan (in furlongs and chains) of the radius of every curve not exceeding one mile in length. (H. C. 40 a.) The House of Lords Order (227, sec. 3) is the same, with the exception of the last line, which states that the memorandum must be noted on the plan, "in *miles, furlongs,*

and chains" (adding "miles" to the H. C. S. O. 40 a).

The line of railway marked on the section must correspond with the upper surface of rails. (H. C. 41; H. L. 227, sec. 4.)

The distances on the datum line must be marked in miles and furlongs to correspond with those on the plan, and a vertical measure from the datum line to the line of the railway must be marked in feet and inches at each change of the gradient or inclination, and the proportion, or rate of inclination between each such change also be marked. (H. C. 41 a; H. L. 227, sec. 5.)

The height of the railway over or under the surface of every turnpike-road, public carriage-road, navigable river, canal, or railway, or junction with a railway, and the height and span of every arch of all bridges and viaducts, must be marked in figures at every crossing thereof; also the extreme height over or under the surface of the ground must be marked for every embankment in cutting. If any alteration be intended to be made in the present level, or rate of inclination of any turnpike-road, carriage-road, or railway, then the same must be stated on the section, and each such alteration must be numbered. There must likewise be added (in order the more clearly to explain the nature of the proposed alterations) cross sections, in reference to the said numbers, on a horizontal scale of *one*

inch to every 330 feet, and on a vertical scale of one inch to every 40 feet. (H. C. 42; H. L. 227, sec. 6.)

In cases where tunnelling is intended as a substitute for open cutting, or a viaduct instead of a solid embankment, the tunnelling must be marked on the plan and section by a dotted line, and the viaduct must in the same way be marked on the section. (H. C. 43; H. L. 227, sec. 7.)

Preparation of Books of Reference.

A book of reference has to be deposited on or before the 30th November, immediately preceding the session of Parliament to which application for the bill is intended to be made, with the plans, &c., with the clerk of the peace in England or Ireland, and principal sheriff-clerk of every county in Scotland, in or through which the work is proposed to be made, maintained, varied, extended, or enlarged. (H. L. 223, sec. 3; H. C. 23.)

Contents of these Books of Reference.

The book of reference has to contain the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands respectively, and in the case of bills relating to railways, canals, &c., a section and duplicate thereof, as hereinafter described, must be de-

posited with the plans and duplicate. (H. C. 23 ; H. L. 222, sec. 3.)

Contents of Books of Reference.

The object of a book of reference is to give as clear a bird's eye view as possible of every person's interest in the lands or property proposed to be taken. They should be drawn up in six columns, containing, first, the parish, &c. ; secondly, the number on plans of such property ; thirdly, description of property, such as garden, arable, pasture land, &c. ; fourthly, name of owner or reputed owner ; fifthly, lessee ; sixthly, names of occupiers, with an additional column for any observations that may seem to be necessary or expedient.

The following is an outline of the book of reference :—

Parish, Township, or Extra-parochial Place.	Number on Plans.	Description of Property.	Owner.	Lessee.	Occupiers.	Observations, Names of Persons supplying &c. Information,

It will be advisable here to make various practical remarks and directions upon each distinct head of the book of reference, as the subject is one of great importance and of occasional difficulty and perplexity.

Numbering Property on Plan.

In the second column (the name of the parish, &c. being placed in the first) every separate field, house, plantation, garden, road, brook, canal, navigation, or other specific property, must be numbered on the plan, and a corresponding number placed in the book of reference; but any collection of buildings, and ground within the curtilage of a building, that is the property of one and the same owner, and in the same occupation (such as a "farm-house, farm-yard, barn and outbuildings"), may be described under one number. This, however, cannot be the case even where there is but one owner, if the occupations are different; and in such instances there must be separate numbers. The numbering should recommence in every fresh parish, township, or extra-parochial place, as this course is, on many accounts, far preferable to it being continuous throughout the entire line of the intended railway. A power of deviation on either side of the line is allowed to the extent of 30 feet in passing through towns, villages, or lands continuously built upon. In other parts, it

extends to 100 yards (or 300 feet). All property included within those limits, according to the lines to be drawn on the plan, must be similarly described and inserted in the book of reference. The numbering on the plan should invariably be begun at the same end of every parish or township, &c. as the case may be, so that the numbers may all run in one and the same direction. Certain properties must be shown by an enlarged plan. (See H. C. 24; H. L. 223, sec. 4.)

Description of Property.

The next (the third) column to that containing the number of the property on the plan, must have a description of that property itself. This description must be such as to inform any one looking at the book of reference whether the property in question be arable or pasture, park, plantation, wood, orchard, garden, yard, shed, house and outbuildings, turnpike-road, public highway, occupation-road, river, brook, common waste, &c. or by whatever other title (not, however, being a local name) the same property may be properly designated and particularized. When parishes are separated by a river or brook, the boundary line is generally in the mid-stream, and the description should then be in each parish. In the instance of a field through which runs a public footway or occupation-road not divided from the field by a fence, it is considered better to

describe it as "pasture field and footpath," or "occupation road," or "arable field and footpath," or "occupation road," as the case may be.

Names of Owners or Reputed Owners.

The fourth column must contain the name of the owner or reputed owner of the particular property (of whatever nature it may be) referred to by the number placed in the second division. The names should be inserted alike of those persons who may be in the receipt and in the beneficial enjoyment of the rents accruing therefrom, whether they be tenants in fee or for life only. In describing *trustees*, it will be advisable to adopt throughout one uniform mode of description—such as, for instance, "A. B. and C., his wife, and their trustees D. E. and F. G.," or "A. B. and C. D., the devisees in trust under the will of E. F." The names of both *mortgagors* and *mortgagees* must be inserted in this column where the former may be in possession; and the like must be the case with the names of *assignees* of a bankrupt estate. In instances where the late owner of any particular property has but recently died, and the name of his heir, devisee, or devisee in trust, cannot be accurately learned, it is advisable to insert, in lieu thereof, the following description:—"the representatives of the late A. B. deceased." In cases of *glebe land*, the name of the incumbent, in addition to that of the patron

of the living, must be inserted ; and where the land in question may belong to *infants* or *lunatics*, the names of their guardians or committees are given as well as their own. The lord of the manor must be entered as owner of all *waste lands* and *commons*. Indeed the names of the several *lords of the manors* should in every instance be given.

In every case of *corporate owners*, their corporate name must be inserted in this column ; but in those of *charity and other trustees* (where there is no incorporation) the individuals must be separately named ; and it is generally deemed convenient to name their clerks also. If, however, the party preparing the book of reference cannot, on inquiry of their clerk, obtain the names of the individuals, and they cannot be ascertained from any other source, the ordinary title of the trust, with the name of the clerk or receiver, must be given. The *trustees of a turnpike-road* should be entered under this column as the owners of it, and should be named as “the trustees of the turnpike-road leading from A to B,” or “the trustees of the _____ turnpike-road,” as the case may be, learning the name of the clerk. So the *surveyors of the parish or township* should likewise be entered as the owners of the public highways, and their names should accordingly be ascertained and enumerated in this column.

In the case of “private” or “occupation”

roads, where they do not belong to any one particular person, the owners of the lands numbered on the plan immediately adjoining on either side of the point crossed by the railway, and also within the limits of deviation, must be named as owners. The like occurs with regard to rivers and streams that are not navigable; and if a stream be dammed up, and used to turn a mill, the name of the mill-owner should also be added.

Names of Lessees, or Reputed Lessees.

The fifth column in the book of reference should contain the names of all parties who have any interest under a lease; and where the occupier and lessee are one and the same person, his name should be given both in the fifth column as lessee, and the sixth as occupier.

Names of Occupiers.

The next (the sixth) division must have the names inserted in it of the occupiers of the several properties numbered in the plan. Whatever difficulty may frequently attend the procuring of the name of owners or reputed owners, lessees or reputed lessees, from various obstacles, sometimes accidental, and sometimes, again, intentional; the names of the occupiers of any particular property can be easily ascertained. Indeed, the only case in which any difficulty can arise in filling up this section of the book of

reference appears to be that of the occupiers of commons. They certainly possess an interest (possibly by usurpation); still, not being opposed during that usurpation, their names ought to be inserted in this column. There is, however, usually a hay-warden or field-reeve, cattle-driver or bailiff, acting for them, and to whom is appointed the duty of looking after the stock on the common, and his name should be obtained and inserted, at all events. The same may be said of open field-lands or commons land, where particular persons exercise a right to turn their cattle at certain periods of the year. A similar course should be pursued with respect to naming the occupiers of "private" or "occupation" roads, rivers, and streams, as in the case of owners thereof. (See observations under the head "Owners or Reputed Owners.") If the stream be used to turn a mill, where dammed up, as before mentioned, the name of the occupier of the mill should also be inserted. In passing towns lighted with gas, or supplied with water, established under Act of Parliament, the corporate bodies should be inserted as the occupiers of the streets where the pipes are laid.

Column for Observations.

The last column is devoted to any observations or elucidatory remarks that may be deemed advisable or necessary by the person who prepares the

book of reference, together with others that should be given in all cases. Thus, he should state the names of all who have furnished the information inserted in the previous columns, adding such statements thereto as may tend to facilitate the testing of information that may have been already obtained, or the procuring of further information that may be required. This column should also contain the names of all solicitors, agents, &c., who may be referred to as possessing intelligence respecting particular properties on the line. In addition, there are various items of information that will be obtained by individuals engaged in preparing these books, in all ways, and from all sources, which should be communicated to the solicitors, and the latter will exercise their judgment and discretion as to the insertion of those points they may deem likely to become of importance in carrying out the work contemplated by the promoters in the best and easiest manner. If the owners or lessees are not resident near their respective spots, especial care should be taken to learn accurately their present residence, as well as their usual place of abode. Where parties are absent from the United Kingdom, equal care should be bestowed in obtaining the names and residences of the agents who represent them, and receive the rents of the property in question. These are some of the most important points to be attended to in filling

up the various books of reference. What has been stated will, to any person of experience and ordinary business qualities, suggest not only the mode of procedure in most cases, but the principle to be attended to, and the practice to be borne in mind. The following additional remarks, however, may further assist such parties in their laborious but important duties.

How to gain the Required Information.

Those who are to prepare the book of reference, having had the plan placed in their possession, will, perhaps, adopt the best course in the very outset of their duties, by obtaining the assistance of some person who has the requisite local knowledge and information to aid them in procuring the several facts necessary to be ascertained and entered in the various columns. Thus, an assistant overseer, a collector of parochial rates, or some one having like means of being intimately acquainted with the inhabitants of the place, should be induced, by being rewarded for the consequent loss of time and absence from accustomed occupations, to accompany them through the parish or township, as the case may be. They will first pass with him over the properties laid down in the plan, and will take from his statements on the subject all the facts required by them. They must then confirm this information by personal interview, if possible, with the occu-

pier of each property, and by ascertaining from him if the particulars be correct that have already been furnished to them. Not only must the occupier be questioned as to the several details given under the separate heads and columns, but it will be very desirable that he should accompany the reference taken over the property in his occupation. The utmost care and trouble should be taken in procuring accurate knowledge of the necessary facts, as, when the bill comes before the Committee on Standing Orders, no excuse will be received or allowed for errors or omissions, unless it be shown that an attempt was made to see the occupier, he being of course the best authority whence to obtain the required information. In all instances, the suitors for the bill are compelled to show that they have used their best efforts to supply correct and full intelligence upon each point. It is also desirable that the tenant likewise should be questioned as to whether he holds his land on a lease or not; and further, whether he pays his rent to the lessor named in the lease, or to any other party, and if so, to whom such payment is made by him; and also whether any of his land is extra-parochial. All these points should be carefully inquired into and, if possible, satisfactorily settled.

A regular mode of investigation is very desirable, especially in house property, in which case application should first be made to the occupier

for the name of the lessee, and then to the lessee for the name of the ground landlord. The Christian names of all parties must be obtained; and their addresses placed in the last column, under the head of "observations." The boundaries of parishes should also be ascertained and clearly defined upon the plan; and it will be the duty of the reference takers to satisfy themselves that those boundaries are accurately laid down. In order that this information may be gained, inquiry should be made of the occupiers upon the point.

Parish maps, showing each field, with the name of the owner and occupier of the property, may be obtained in many places, and may be thought very good sources of intelligence. But they must not be relied on, as, though they may be in some instances, accurately and carefully prepared, in others they are most defective, and would lead to great and possibly fatal errors if adhered to and regarded as authorities and guides. Though, however, they cannot be turned to this great advantage and service, they may oftentimes be usefully referred to, particularly with respect to the parish boundaries, the caution above given being always remembered, so as to prevent any too much dependence upon what may prove ultimately very doubtful authorities indeed. While those stringent recommendations are enforced, it must be borne in mind, however,

that merely trivial errors will be allowed to be corrected in the committees, and facts surrounded by doubt and difficulty, if they cannot be exactly got at, the errors will not be considered as fatal to the bill. An able counsel will convince a committee that in such trivial errors no intention existed to depart from the Standing Orders of the House.

As to the Modes of Operation.

In the preparation of the book of reference it will be of the utmost consequence that great exertion and expedition be exercised, owing to the delays that are sure to occur from the absence of various persons from whom information must be gained, and also of the surveys and other causes. Much time may in all things be gained by a methodical mode of procedure; and the following hints are given, in the hope that they may aid in the obtaining that desirable course.

It has been found by experience that it is most desirable that the parties taking the reference should station themselves at a principal inn, nearest to the part of the line upon which they are engaged, removing their head-quarters as they proceed along that line. It is important that their temporary abiding place should be known, as the nature of their occupation necessarily will cause a large number of visitors on the various matters connected with their duties.

It is also desirable that they should be men of gentlemanly manners and intellectual powers, capable of mildly reasoning with those who apply to them. Another point, the advantage of which has been established by experience, is, that they should rise early, being on the ground every morning at the earliest expedient time, and remain at their occupation of obtaining information and interviews with the various occupiers until such a period as might be most convenient to the parties they have to see. Afterwards they should devote some time to interviews with any more distant parties from whom it may be desirable or proper to obtain information, so that, as far as possible, each day's work may be completely finished while it is still fresh in the recollection of the persons engaged in preparing it. If they delay the requisite inquiries for several days, they will be sure to experience inconvenience and additional labour therefrom. They should each evening make a fair copy of the work of the day, and transmit such fair copy as instructed. Care must be taken that the numbers on the tracings are not obliterated. Every week or so, they should devote such hours as may be required to seeing any occupiers or other parties whom (their residences being at some distance) it would have been inconvenient to meet upon the day on which the reference takers were going over the line. By this means, several distant visits may be made at

the same time, and many hours thereby often saved. Whenever an inquiry has to be made from a party at a distance, to whom the person making the reference can go in person, a note of the inquiry to be made should be written on the fair copy of the reference. The words "saw A. B.," "saw C. D.," &c., should be written against the name of the occupier whenever it occurs. Where there may happen to be two persons of the same christian and surnames, owners or occupiers in one parish, they should be carefully distinguished by their address, or otherwise, so as to avoid any confusion or mistakes.

If the plan have not been previously numbered by the surveyors, it should be numbered either in pencil or ink by the parties engaged in the reference while they are upon the ground, and notice given to the surveyors that it has been omitted. In no case should this duty be left to the evening; as errors might very easily arise from such delay; and those errors would be sure to cause considerable trouble and mistakes, perhaps not easily rectified. Care should also be taken that the numbers, if in pencil, are not obliterated. The word "ditto" should never be used in the book of reference or in the drafts; but the descriptions and names should be repeated in every instance against every number; and this advice cannot be too strongly impressed upon all.

Indeed, not only in this matter, but upon every

one that has been mentioned in this section, the remark is applicable that it is much better that more than enough, rather than less than enough should be done. In all descriptions, details, names, &c., the fullest information may easily be given while the parties are in attendance, from whom such intelligence may be obtained and the extra time occupied in taking them down is trifling and of little consequence, compared with the great injury that might possibly result from the absence of some point that may be requisite to be stated. Much may prove unimportant and not needed ; but the error is one on the safe side, and works of supererogation are much better in such cases than a bare and niggardly, and, perhaps, most defective statement of facts. Information that at the time seems to be of little or no consequence, frequently turns ultimately to be most useful, at a time and in a manner the least expected. It should, therefore, be always the object of those to whom the important duties of preparing the books of reference are entrusted to gain all the information possible upon the subject of the property on the line of the proposed work ; the various parties connected in any way therewith ; their interests and feelings with regard to the contemplated scheme, &c. &c. There will seldom be any cause for lamenting the possession of too much information of such a character ; while parties have often to deplore

the deficient knowledge acquired of facts when they were all within reach, by the expenditure of a little time and trouble. It would be well to give to the solicitors all the information upon every particular parish, and as those gentlemen sit with the counsel at the committees, they will, from the possession of such information, be prepared to meet many points of opposing counsel which otherwise might influence the decision of the committee.

Second Deposit of Plans and Sections. (by Dec. 31.)

1. Deposits for Lords and Commons.

On or before the 31st of December, a copy of "all plans, sections, and books of reference," must be lodged in the Private Bill Office of the House of Commons and in the Office of the Clerk of the Parliaments in the House of Lords. (According to Standing Order 28 of the House of Commons, and sec. 8 of Standing Order 223 of the House of Lords.)

2. Plans for Particular Parishes.

On or before the 31st of December, a copy of so much of the said plans and sections (previously deposited at the Board of Trade, &c.,) as relates to each parish in or through which the work is

intended to be made, &c., together with a book of reference thereto, must be deposited with the parish clerk of each such parish in England, the schoolmaster in each such parish in Scotland (or the town clerk in royal burghs) or the clerk of the union within which such parish is included in Ireland. (H. C. 27.) [The Act 1 Vict. cap. 83 compels "clerks of the peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."]

Contents of Parish Plans.

Parish plans are merely extracts of so much of the original plans as are governed by the Standing Orders, with regard to showing the extensions in case of tunnels, gardens, &c., in addition to the ordinary scale. They are sectional divisions of the whole plan, with the enlargements demanded in the plan itself.

Application to Owners, Lessees, and Occupiers.

When any lands or houses are intended to be taken, or an extension of the time granted by any former Act for that purpose is sought, application in writing (in the form set forth in the Appendix to the Standing Orders) must be made to the owners, lessees, and occupiers, on or before

the 31st day of December. [But the practice, however, is to print the application, and the signature of the solicitor is held to be sufficient compliance with the Orders.] This application must be delivered personally or left at the usual place of abode of the parties,* or in the event of their being absent from the United Kingdom, it must be left with their respective agents. Separate lists must be made of the names of such owners, lessees or occupiers, distinguishing which of them have assented, which dissented; and which are neuter in respect thereto. (H. C. 17, H. L. 220 sec. 4.)

Lists of these owners, lessees and occupiers must (according to Standing Order 127 of the House of Commons) be lodged in the Private Bill Office, and the receipt thereof must be acknowledged on the petition *before* it is presented.

* It is exceedingly useful that parties making these applications should explain to the owners of property the advantageous results, generally, of railways to property along the line, which have been proved to increase fourfold the value of such property on the average, though, in many instances, it has increased that value fivefold, sixfold, and indeed beyond any calculation. Without such explanation being given, individuals often send in dissents; and the committee on the bill requiring a return of the assents, dissents and neuters, and being obliged to report upon the same, a bill for a railway of great use may be placed in jeopardy from the want of those simple precautions. [See sec. 21 of S. O. 87 H. C. Sec. 17 S. O. 233 H. L.]

Notice in writing of any bill (whereby any part of a work authorised by a previous Act is intended to be relinquished) must be given to the owners and occupiers of lands in which the part of the work intended to be relinquished is situate. (H. C. 36. H. L. 223 sec. 12.)

Though the following does not strictly come within the limits of the present chapter, it will perhaps be the most convenient place for its insertion.

Plans of Subsequent Alterations.

Plans and sections of alterations made in any work (the bill for which is included in the second class) *subsequently to the introduction of the said bill into Parliament*, must be deposited with the clerk of the peace for every county, &c., in England or Ireland, and in the office of the sheriff clerk of every county in Scotland, in which such alteration is proposed to be made. They must be on the same scale and contain the same particulars as the original plan and section. A copy of such plan and section (so far as it relates to each parish) must also, together with a book of reference thereto, be deposited with the parish clerks in England, the schoolmaster of each such parish in Scotland, (or town clerk in royal burghs,) and clerk of the union within which such parish in Ireland is included. These deposits must be made *one month* previously to the introduction of

the bill for making such works, into the House of Lords (this being a *Lords'* Standing Order alone, as well as the order for placing the notices of application for a bill on the doors of quarter sessions before the petition is presented.) The intention to make such alteration must be published in manner before directed in the gazette, London, Edinburgh or Dublin, as the case may be; and also in some newspaper of the county in which the alteration is proposed; in each case for three successive weeks prior to the introduction of the bill into the House of Lords. Application must also be made personally, with notice in writing (i. e., printing with the autograph of the solicitor) in the form prescribed before, to owners, &c., of lands through which such alterations are intended to pass; and their consent to the alterations must be proved to the satisfaction of the committee before whom the compliance with the Standing Orders shall be proved. (H. L. 223, sec. 9.)

A map, plan, and section of any work (the bill for which shall be included in the second class) showing any variation, extension or enlargement which is intended to be made in consequence of any alteration effected during the progress of the bill through Parliament, must be deposited in the office of the Clerk of the Parliaments, previous to such bill being brought to the House of Lords from the Commons. This map or plan and section must be on the same scale, and contain the

same particulars as the original map or plan and section of the said work. (H. L. 223 sec. 10.)

Estimate.

An estimate of the expense of the proposed work must be made and signed by the person making the same; [but it is exceedingly necessary that the person so making it should be an engineer of great talent, and, if possible, of great practice. The ablest engineers in England have been greatly mistaken in their estimates. Many who may be regarded as very high authorities on questions of engineering, have often been at fault with regard to this important point. Lesser men can scarcely expect to be correct when their superiors have found reason to lament the disproportion of their estimates to the expenses that were actually incurred. Without diminishing one iota of the honour due to those distinguished men, we may allege that their mistakes ought to be a strong reason for doubting, analysing, and testing the estimates of engineers of less celebrity. The committees of both Lords and Commons take evidence as to those estimates; and it is a matter of very serious consideration to be able to prove that they are rightly and practically made. They will vary according to the price of iron and the wages of labour; but such variation being accidental should not be allowed to affect the estimates of

the engineers of the different lines, the directors of which apply to Parliament. Nevertheless, wild and foolish estimates, made for a momentary purpose by ignorant or corrupt engineers, will be visited with great and proper severity in both Houses, and the scientific knowledge of counsel will often enable them to detect and expose engineering estimates which are not founded upon the truth and difficulties of the case.] (H. C. 29. H. L. 224, sec. 1.)

Subscription Contract.

A subscription must be entered into under a contract to three-fourths of the estimate. (H. C. 29 ; H. L. 224, sec. 1.)

Every subscription contract must contain the christian and surnames of every subscriber, together with his description and place of abode. It must also have his signature to the amount of his subscription, with the amount he has paid up, the name of the person witnessing the signature, and the date of the same. (H. C. 32 ; H. L. 224, sec. 4.)

NOTE.—This subscription contract is intended by Parliament to be a proof of the ability of the suitors applying to it to complete the works for which they ask the sanction of the Legislature. Thus if it can be proved to the House that they are not able to complete those works; that their representations of ability were fraudulent and false; that none or few of them have any real or local interest in the undertaking; that the whole affair is a mere gambling specula-

tion; the House will reject it. [See proceedings under the reports of the committee of the House of Commons, of which Mr. Warburton was the chairman, a few years since.]

As regards railway bills, no subscription contract will be valid, unless it be entered into *subsequent to the day fixed* in the Session of Parliament previous to that in which application is made for leave to bring in the bill to which it relates, *as the last day on which petitions for private bills may be presented*, and unless the parties subscribing to it bind themselves, their heirs, executors and administrators, for the payment of the money so subscribed. (H. C. 40.) The Lords' Order requires it to be entered into "subsequent to the *commencement* of the Session of Parliament previous to that in which application is made for the bill, &c." (H. L. 224, sec. 5.)

The subscription contract (in the case of other than railway bills) must (by the Orders of both Houses) be entered into subsequently to the *close* of the session previous to that in which application is made for the bill to which it relates. (H. C. 34. H. L. 224, sec. 5.)

In cases where the work is to be made by means of funds, or out of money to be raised upon the credit of present surplus revenue, belonging to any society or company, or under the control of directors, trustees, or commissioners, as the case may be, of any existing public work, a declaration (stating those facts and setting forth



the nature of such control, and the nature and amount of such funds or surplus revenue, and given under the common seal of the society or company, or under the hand of some authorised officers of such directors, trustees, or commissioners) may be substituted in lieu of the subscription contract, and in addition to the estimate of the expense. (H. C. 30. H. L. 224, sec. 2.)

Where the work is to be made out of money to be raised upon the security of the rates, duties or revenue, to be created by, or to arise under, any bill, under which no private or personal pecuniary profit or advantage is to be derived, a declaration (stating those facts and the means by which the funds are to be obtained for executing the work, and signed by the party or agent soliciting the bill, together with an estimate of the probable amount of such rates, duties or revenue, signed by the person making the same) may be substituted in lieu of the subscription contract, and in addition to the estimate of the expense. (H. C. 31, H. L. 224, sec. 3.)

Copies of the subscription contract must be delivered (printed at the expense of the proprietors, i. e. suitors for the bill) at the Vote Office previous to the presentation of the petition ; and these copies must be accompanied by an alphabetical list of the subscribers' names, stating the amount of deposit paid up by each (or where a declara-

tion and estimate of the probable amount of rates and duties are substituted in lieu of a subscription contract, copies of such declaration and estimate must likewise be so printed and delivered at the Vote Office.) (H. C. 35; H. L. 224, sec. 6.)

PART II.

CHAPTER I.

ORDER OF PROCEEDINGS IN THE HOUSE OF COMMONS.

[A railway bill must originate in this House, being regarded as "a money bill," as it imposes burdens on the subject, and contains authority to levy tolls and rates in the shape of fares, &c. With regard, however, to alterations on this point introduced *for this Session*, see chapter on "Special practice for the present Session, 1846."]

Presentation of Petition for Bill.

No Private Bill can be brought into the House except upon a petition being first presented. (The petition must be in exact conformity with the notice in the gazette.) It must be signed by the parties or some of them who are suitors for the bill. (H. C. 101.) (All private bills also must be under the charge of a parliamentary agent, according to the practice of Parliament.)

A book, called "The Private Bill Register" is kept (in pursuance of Standing Order 126 of the

House of Commons) in the "Private Bill Office," in which are entered by the clerks appointed for the business of that office, the name, description, and place of residence of each parliamentary agent in town, and of the agent in the country (if any) soliciting the particular bill. In the same book are likewise entered all the proceedings from the petition to the passing of the bill—such entry specifying, briefly, each day's proceeding in the House or in any committee to which the bill or petition may be referred; the day and hour on which the committee is appointed to sit; the day and hour to which such committee may be adjourned, and the name of the committee-clerk. This book is open to public inspection daily, in the said office, between the hours of eleven and six. Any person (not a member of Parliament) may become a parliamentary agent, and is registered (as above described), upon subscribing a declaration in the Private Bill Office of the House that he will obey all the orders and pay all fees and charges when demanded, and if required, enter into a recognizance in 500*l.* to observe this declaration. This latter proceeding is not insisted on. In case of misconduct, an agent may be removed by the Speaker, who, however, is bound to state in writing the causes of such removal. An appearance (stating also the solicitor, if any) to act as parliamentary agent upon any bill is required before such bill

can be proceeded with, after petition, or after first reading, if the bill be brought from the Lords. The same is required before any one can appear against a bill.

The petition must be presented within *fourteen* days after the first Friday in every session of Parliament (H. C. 102) by a member who is supposed to take charge of the bill.

The following is the usual form of a petition for a railway bill.

“ To the Honourable the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled.”

“ The humble petition of the several persons whose names are hereunto subscribed, being subscribers to the undertaking hereafter mentioned.

“ Sheweth that the making of a railway from A. to B. will be of great public advantage, by opening additional, certain, and expeditious means of communication between the said places, and also by facilitating communications between more distant towns and places; and that the several persons hereinafter named are willing at their own expense to carry such undertaking into execution. But that the purpose aforesaid cannot be effected without the authority of Parliament.

“ Your petitioners therefore humbly pray your Honourable House that leave may be given to bring in a bill for effecting the purposes aforesaid in such manner and under such regulations and restrictions as to your Honourable House shall seem meet and expedient.”

(A printed copy of the bill is hereunto annexed).
Or the prayer may be as follows :—

“ Your petitioners have caused a bill to be prepared for effecting the purposes aforesaid; and they humbly pray they may be allowed to proceed with the said bill.”

This petition must be written on parchment or paper, and not printed: and some of the petitioners must sign their names, the signature of the agent not being sufficient. The petitions of corporations aggregate must be under their common seal.

Care should be taken in drawing the petition, that it may set forth the principal objects sought by the proposed bill; but it should include none beyond what were stated in the notices; and the bill, again, will not be permitted to contain any object not specified in the petition for such bill or in the notices, and various instances have occurred of adverse decisions by the sub-committees on petitions, in consequence of a variance of this nature, upon objection being raised thereto.

In the last session (1845) several sub-committees on petitions for private bills decided that the powers specified in the various notices in the *gazette*, &c., as intended to be applied for, must correspond with those actually sought by the bill subsequently to be introduced. In the case, for instance, of the Birmingham and Gloucester Railway (Gloucester, &c., Extensions), opponents

raised an objection to the notices that had been published, on the ground that they contained no intimation of an intention by the promoters to apply for (as was sought to be obtained by the bill) power to sell or lease the railway in question to the Midland Railway Company. The decision of the sub-committee (No. 2) upon this occasion was that the Standing Orders had not been complied with; and like decisions were come to in the several cases of the Birmingham and Gloucester Railway (Worcester Branch and Cheltenham Extension); the Birmingham and Gloucester Railway (Worcester Deviation); and the Birmingham and Gloucester Railway (Wolverhampton Line), &c.

Again, in the instance of the Kingston and Waterford Railway in the same session:—Notices were duly and correctly given for a line to be constructed from Kingstown to Waterford. The bill, however, proving to be merely for constructing a railway from Kingstown to Bray, an adverse decision was pronounced by the sub-committee on a like ground (17th April, 1845). In the case of the Direct Northern, a similar course was pursued on account of the powers specified in the notices not corresponding with those actually applied for in the bill. Thus, the notices were of a line from King's Cross, London, to York, while the bill only sought powers for forming one from Lincoln to York. The same decision was pronounced in the various cases of the Glasgow

Harbour Union Railway, the Goole and Doncaster Railway and others, in which the bills applied merely for a portion of the line, for the whole of which it was stated in the notices it was the intention of the promoters to seek parliamentary sanction. [See Note.]

The notices in the gazette and in the newspapers, too, must be identical; and any variation will be a valid ground of objection before the sub-committee on petitions.

Where several matters are comprised in one petition, the order may be to bring in a bill or bills upon that petition, or several bills may be ordered to be brought in upon separate parts thereof. Where the several matters comprised in the petition require such a course of proceeding, the petition may be referred to a committee as to part, and a bill may be ordered to be introduced as to the remainder. (*Bramwell on Bills*, 41.) A subsequent petition must be presented where additional provisions are required to be made in any bill, the proposed extra clauses being attached.

Annexed to the petition for the bill must be a declaration in writing, signed by the agent, or some one of such agents, stating to which of the three classes of bills such bill in his judgment belongs; and if the proposed bill shall give power to effect any of the objects enumerated (in Standing Order 102 a.), one of which is "Power to make, vary, extend or enlarge any Railway;"



the said declaration shall state which of such powers are given by the bill, and shall indicate in which clauses of the bill (referring to them by their numbers) such powers are given, and shall further state that the bill does not give power to effect any of the other objects than those set forth in the declaration. (H. C. 102 a.)

A copy of this declaration, annexed to the petition, must be deposited at the office of the Board of Trade. (H. C. 102.)

Previous to the Presentation.

The following proceedings are required by the Standing Orders to be adopted *before* the petition is presented.

1. All plans, sections, books of reference, lists of owners and occupiers, estimates, copies of subscription contracts, and declarations required by the Standing Orders of the House must be lodged in the Private Bill Office, and the receipt thereof must be acknowledged upon the said documents, and upon the petition before it can be presented to the House. (H. C. 127.)

2. Previous to the presentation of the petition, also, a sum equal to *one-tenth* part of the amount subscribed must be deposited with the Court of Chancery in England or Ireland, or the Court of Exchequer in Scotland. (H. C. 39 a.)

The above Order is not, however, to apply to any Railway Bills that were before Parliament

during the last session (1845), and that may be again introduced in the present session, or that were already provisionally registered, or the subscription contract for which was already or partly executed on the 29th of July, 1846. With respect to all such bills, a sum equal to *one-twentieth* of the amount subscribed must be deposited as before provided. (H. C. 39 a.)

3. The last proceeding requisite *before* the presentation of the petition is the printing (at the expense of the promoters of the bill), and delivery at the Vote Office (for the use of members) of copies of the subscription contracts, with the names of the subscribers arranged alphabetically, and the amount of deposit respectively paid up by each such subscriber; or, where a declaration and estimate of the probable amount of rates are substituted in lieu of a subscription contract, copies of such declaration or of such declaration and estimate, must be so printed and delivered. (H. C. 35.)

On or before the day of the presentation of such petition, a copy of every bill annexed to a petition must be deposited in the office of the Railway Department of the Board of Trade. (H. C. 39.)

On the day of the presentation of the petition, a copy of every bill annexed to such petition, and the agent's declaration must be deposited in the Private Bill Office, such bill and declaration being open to the inspection of all parties. (H. C. 128.)



[If parties desire to present a petition for a bill after the latest day prescribed, a petition must be presented to the House praying for special permission, and stating the peculiar circumstances under which such leave is requested. This petition is referred to the Standing Order Committee, and if their report be favourable, the prayer of the petition is granted, and the petition for the bill is allowed to be presented.]

Committee on Petitions.

The sub-committee on petitions for private bills has to inquire into and report upon the adherence to or departure from the Standing Orders. It consists of a portion of the "select committee on petitions for private bills," which is appointed at the commencement of each session, consisting of forty-two members, of whom three form a quorum. (H. C. 1.) That select committee have leave to divide themselves into sub-committees and to make regulations for the transaction of business; and to one of these sub-committees, each railway bill, or each class of such bills is referred. The sub-committee has no power to adjudicate or express any opinion. It has jurisdiction only to report to the House whether the Standing Orders have or have not been complied with, and if not, in what respects they have been departed from.

Seven clear days must elapse between that on

which the petition for any bill relating to England shall be presented, and the day on which the sub-committee shall sit thereon ; and *ten* clear days in case such bill relate to Scotland or Ireland. (H. C. 104.)

All petitions for private bills, (with their annexed bills and agent's declarations), and all petitions for additional provision in private bills (with the proposed clauses annexed) are referred to the committee on petitions. (H. C. 103.)

Seven clear days' notice in writing must be given by the agent for the bill to the clerks in the Private Bill Office, of the meeting of the sub-committee on a petition for a private bill ; and *one* clear day's notice of the meeting of the sub-committee on a petition for additional provision. No such notices must, however, be given before the petition has been presented to the House. (H. C. 129.)

Time for Delivering Notices.

All notices required to be given in the Private Bill Office of the House of Commons must be delivered in the said office before 6 o'clock in the evening of any day on which the House shall sit and before 2 o'clock on any day on which the House shall not sit. After any day on which the House shall have adjourned, no notice shall be given for the first day on which it shall again sit. (H. C. 147.)

The first meeting of the sub-committee must not be postponed unless one clear day's notice has been given to the clerks in the Private Bill Office. (H. C. 130.)

Before one of these sub-committees, the compliance with certain Standing Orders has (as already stated) to be proved, and any parties may appear and be heard, by themselves, their agents and witnesses, upon any petition referred to the committee, complaining of a non-compliance with the Standing Orders. This permission is granted, however, provided that the matter complained of be specifically stated in the petition, and that the party affected by the non-compliance with the Standing Orders be cognisant of and consent to the presentation of that petition. Such petition must moreover be presented *three* clear days before the first meeting of the sub-committee. (H. C. 9.)

It is an occasional practice of the House, however, to allow a departure from this Order, as to the time for the presentation of opposing petitions; but there must be a special application to the House before such petitions (when not presented "three clear days before the day appointed for the first meeting of the committee") can be entertained by the select committee on petitions for private bills. The following extracts from the votes and proceedings of the House (during the present session,) show the form used and the

manner in which permission is granted under peculiar circumstances to parties to be heard on petition, notwithstanding their non-compliance with the Standing Orders in this respect.

Ayrshire and Galloway Railway.—Petition of Messrs. Hunt [presented 2nd February] read :—*Instruction* to the select committee on petitions for private bills to entertain the said petition, notwithstanding the same was not presented three clear days before the day appointed for the first meeting of the committee.

London, Newbury, and Bath Direct Railway.—Petition of owners and occupiers of lands on the line [presented 2nd February] read :—*Instruction* to the select committee on petitions for private bills to entertain the said petition, notwithstanding the same was not presented three clear days before the day appointed for the first meeting of the committee.

(Petitions against any bill must be signed by the petitioners unless they are absent from the country, when their solicitors may sign for them ; and the petition of any corporate body must be sealed with its common seal.)

Opposing petitions, as well as all petitions relating to private bills must also have the name or short title of the bill written at the beginning thereof, besides stating whether they be for or against the bill, or relating to the non-compliance with the Standing Orders. Frequent neglect of these directions occurred, and early in this session (Feb. 13, 1846), the attention of the House was



called to the subject by the following special report from the sub-committee to whom the Exeter, Yeovil, and Dorchester Railway petition had been referred. The official records of the House state :—

“ Mr. Strutt reported from the select committee on petitions for private bills, to whom several petitions complaining of non-compliance with the Standing Orders in the case of the petition for the Exeter, Yeovil, and Dorchester railway bill were referred, That it appeared that the said petitions ‘had not the name or short title by which such bill is entered in the votes written at the beginning thereof, nor was it there stated whether such petitions were in favour or against the bill, or relating to the non-compliance with the Standing Orders,’ as required by Standing Order, No. 111 a.

“ That the said Standing Order, No. 111 a. is not one of the Standing Orders relating specially to the duties of the select committee on petitions for private bills, but is one of those relating to the practice of the House; but as the attention of the committee has been called to the point in question by the petition of Edward Woolmer, which has been specially referred to this committee, the committee consider it their duty to submit the point for the consideration of the House.”

The House consequently, a few days after (Feb. 16, 1846), adopted the following resolution :—

“ That it be an instruction to the select committee on petitions for private bills, and to all committees upon private bills, not to hear parties on any petition hereafter referred to them, which shall not be prepared and signed in strict conformity with the rules and orders of this House.”

Mention having been made above of the attendance of witnesses, the following directions may be appropriately introduced in this place :—

Summoning of Witnesses.

The practice with regard to the summoning of witnesses before committees on petitions has been altered during the present session. On the first day of the sub-committee, No. 1, assembling (Feb. 4, 1846), the chairman announced that (in order to prevent the inconvenience which had resulted from the indiscriminate issue of summonses last year) parties wishing to obtain a summons would have to apply to the sub-committee, who would issue it only upon having the following points satisfactorily proved to them. 1st. That the evidence was really and necessarily material. 2nd. That the party had been applied to, and had refused to attend without a summons. 3rd. That the same evidence could not be obtained from any other quarter. In no case would a summons be issued, except on proof to the committee of those points, it being always understood that clerks of the peace, public officers, and parties bringing documents, plans, and sections, should have summonses issued to them as usual.

(It may here be mentioned that committees on private bills have no power of compelling witnesses to appear, or to produce papers and

records. The House, however, will generally issue the necessary order, upon a special report being made that any particular evidence is required but is not forthcoming.)

Proceedings of Sub-Committees.

Witnesses are never sworn who have to give evidence before committees of the House of Commons on private bills. They are, however, sworn at the bar of the upper House of Parliament, as the judges themselves are supposed to be always present in that House.

Where the application is for a private bill relating to England, the committee may admit proof of the compliance with the Standing Orders which refer to the affixing to the church doors the requisite notices, on the production of affidavits sworn before any justice in petty sessions assembled, for the division within which the church on which the notices have been affixed shall be situate. (H. C. 10.)

Where the application is for a private bill relating to *Scotland* or *Ireland*, the committee may admit proof of the compliance with the Standing Orders on the production of affidavits sworn before any sheriff depute or his substitute in Scotland, or before any judge or assistant barrister in Ireland whose certificate shall be admitted as evidence of such proof having been made, unless the com-

mittee should require further evidence to be adduced. (H. C. 11 & 12.)

Where the sub-committee on any petition for a bill shall report to the House that the Standing Orders have not been complied with, they have to report the facts upon which their decision is founded, and any special circumstances connected with the case that they may think it desirable the House should be acquainted with. (H. C. 13.)

In the case of *any railway bill that was ordered to be engrossed in the session of 1845*, the House has directed that, “ upon any petition for leave to bring in a railway bill which shall be presented to the House during the session of 1846, and referred to the committee on petitions, the committee do examine whether the said petition be the same in substance as any petition for the same purpose and from the same parties, which was presented in the session of 1845 ; and in that case, whether any bill brought into the House in pursuance of such petition in the session of 1845, was pending in either House of Parliament on the termination of such session ; and if so, whether a subscription contract, as required by the Standing Orders, binding in the usual way the subscribers to the undertaking has been entered into and is valid at the time of such inquiry, and whether the deposit of 5*l.* per cent. upon such subscription is lodged in the manner required by the Standing Orders.” (H. C. 436.)

In such case, and on proof of such notice having been given as aforesaid, and in case it should appear that such bill had, at the end of the session of 1845, been pending in the House of Lords, or, if pending in the House of Commons, had been ordered to be engrossed, the Standing Orders with respect to any such bill are held to be complied with. (H. C. 43.)

[For "*Paper of Proofs*," see Notes to this Chapter.]

Standing Orders Committee.

The Standing Orders Committee, appointed by the House of Commons, is superior in its character as a tribunal to the sub-committee on petitions. To this Standing Orders Committee the reports from the latter, to the effect that the Standing Orders have not been complied with, are referred, (H. C. 105,) and they have to determine whether those Orders that have not been complied with ought to prevent the progress of the bill. If they are of a material and important nature, the departure from the rules laid down by the House is fatal to the bill; but in minor points the committee usually regards the errors leniently, and the parties are ultimately permitted to proceed with their measure. This committee accordingly has to report whether the parties ought to be allowed to proceed with their bill or any portion thereof, and under what (if any) conditions. (H. C. 46; H. L. 219, sec. 6.) [Note.]

The select committee on Standing Orders is appointed at the commencement of each session, and consists of *eleven* members, together with the chairman of the committee and of the sub-committee on petitions for private bills (of whom five form a quorum). (H. C. 3.)

To this committee are referred (in addition to all reports from the select committee on petitions for bills, in which they shall report that the Standing Orders have not been complied with), all petitions for leave to dispense with any of the sessional orders of the House relating to private bills. (H. C. 106.)

The committee on Standing Orders has to report to the House whether such sessional orders ought or ought not to be dispensed with in the particular case. (H. C. 47.)

There is another duty appertaining to this committee—a duty they have not to perform until the private bill referred to them has reached an advanced stage.

Clauses or amendments offered upon the report, or the consideration of report, on the third reading, have to be referred to the Standing Orders Committee. (H. C. 121.)

In such a case, that committee has to report to the House whether such clauses or amendments are of such a nature as should not be adopted by the House without the re-commitment of the bill, or of such a nature as to justify the House in

entertaining them without recurring to that proceeding, or of such a nature as not in either instance to be adopted by the House. (H. C. 48, 49.)

Leave having been given to bring in a bill, some member or members of the House are ordered to prepare and bring it in. The following extract from the official records of the House shows the form of proceeding :—

Wilsontown, Morningside, and Coltness Railway (improvement and branches),—petition for bill *reported*, and bill *ordered* to be brought in by Mr. Oswald and Mr. Forbes.

Wilsontown, Morningside, and Coltness railway (Knowton branch),—petition for bill *reported*, and bill *ordered* to be brought in by Mr. Oswald and Mr. Forbes.

Printed Bill to be Presented.

Every private bill must be printed on paper of a size to be determined by the Speaker, and presented to the House, with a cover of parchment attached to it, upon which the title of the bill is to be written. The short title of the bill, as first entered on the votes, must be in accordance with the subject matter thereof, and must not be changed unless by the special order of the House. (It must be in conformity with the notices given.) (H. C. 109, 107.)

The names of the members who obtain leave to bring in the bill should also be printed on the back of it.

Of these bills, printed copies are to be delivered to the door-keepers for the use of the members, *before the first reading*, (H. C. 109.) and also eight copies at the Private Bill Office when the bill is presented.

If these orders of the House be not complied with, the effect is to nullify any proceedings that may have been adopted subsequently to such non-compliance. The following is an instance quoted from the official records of the House of Commons during the present session, (Feb. 19, 1846).

Cambridge and Oxford Railway Bill,—Notice being taken, that the Cambridge and Oxford railway bill had been read a first time yesterday, and that *no copies had been delivered to the door-keepers* for the use of members before such first reading, as directed by Standing Order No. 109 ;—

Ordered, That the proceeding of yesterday on such first reading, *be null and void*.

The Order of the House having, however, subsequently been complied with, and copies of the bill duly delivered, the bill was re-presented the same evening and read a first time by leave of the House, and notice of a second reading given for the 24th.

The following extract from the official records of the House shows the form of presentation and first reading :—

Windsor, Slough, and Staines Atmospheric Railway Bill,—
“for making a railway from the town of New Windsor, in the county of Berks, to the Great Western Railway at Slough, in the county of Buckingham, with a branch or diverging railway therefrom to Staines, in the county of Middlesex, to be called ‘The Windsor, Slough, and Staines Atmospheric Railway,’ ” *presented*, and read 1°; to be read 2°.

Manchester, Buxton, Matlock, and Midlands Junction Railway Bill,—“for making a railway from the Manchester and Birmingham railway at Cheadle, in the county of Chester, to or near to the Ambergate station of the Midlands railway, in the county of Derby, to be called ‘The Manchester, Buxton, Matlock, and Midlands Junction Railway,’ ” *presented*, and read 1°; to be read 2°.

The proposed amount of all rates, tolls, and other matters, heretofore left blank in bills when presented to the House, are to be inserted in *italics* in the printed bill. (H. C. 108.)

The Houses usually give notice that no private bill will be read a first time after a particular day named in such notice; but in the case of railway bills an exception was made (in the session of 1845,) that was granted to no other private bill, and a longer time was then allowed before the former must pass its first stage. No such exception, however, has been made this year in favour of railway bills. It will be seen, however (in the third Part of this volume), that the Lords this session have given (under the

regulations made for this year), till the 23rd of February to present petitions for private bills.

The following are the resolutions adopted (19th Feb., 1846), by the House of Commons with respect to the days for various stages of private bills, this session :—

- That no notice for a committee on a petition for a private bill be received at the Private Bill Office which shall fix for the first meeting of such committee any day later than Friday the 6th day of March next.
- That no notice of postponement of any such committee be received at the Private Bill Office except by the authority of the committee on petitions for private bills.
- That no private bill be read a first time later than the next day but one after the report of the committee on petitions, or of the Standing Orders Committee, on such bill, as the case may be, shall have been laid on the table, except by special order of the House.
- That there be no more than twenty-one clear days between the first reading of any private bill, not being a railway bill, and the second reading thereof, except by special order of the House.
- That no private bill, not being a railway bill, which shall now have been read a first time, shall be read a second time after ten clear days from this day, (19th Feb.) except by special order of the House.

[See Notes to this Chapter.]

What the Bill should contain.

The Parliament in the session of 1845 passed three Consolidation Acts, embodying in a collected form the various clauses that are usually inserted in Acts for incorporating companies. These

were :—1. The Companies Clauses Consolidation Act, relating to the constitution and management of Joint Stock Companies, and entitled “An Act for consolidating in one Act certain Provisions usually inserted in Acts with respect to the constitution of Companies incorporated for carrying on undertakings of a public nature.” 2. The Lands Clauses Consolidation Act, relating to the acquisition of lands required for undertakings of works of a public nature, and the compensation to be made for the same. 3. The Railways Clauses Consolidation Act, “for consolidating in one Act certain provisions usually inserted in Acts authorising the making of Railways.” [These three Acts are given in the Appendix.]

These Acts were passed for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings and for securing greater uniformity in the provisions themselves. By this means, private Acts will be rendered much less voluminous, as it will not henceforth be requisite to give these various clauses in each separate instance, while time, expense, and trouble will be saved to the parties, and much useless fatigue to the committees of Parliament themselves ; besides greater uniformity will be achieved by the adoption of these statutes. Committees on bills will only, in future, have now to examine each separate bill introduced into Parliament (so far as

regards the matters treated of in the three Acts above mentioned), and see whether the clauses of those Acts are incorporated with the particularised clauses contained in each bill.

The following provisions are also to be inserted in private bills, according to the Standing Orders of both Houses of Parliament.

In bills for carrying on any work by means of a company, commissioners, or trustees, a clause must be inserted for compelling the subscribers to make payment of the sums severally subscribed by them. (H. C. 76.) Also a clause for taking security from the treasurer and other officers for compelling the keeping full accounts, &c. (See H. C. Standing Order 77.)

Bills for making, maintaining, varying, extending or enlarging any railway must also contain the following additional provisions :—

A clause to restrict the company from raising by loan or mortgage a larger sum than one-third of their capital, and to prohibit any money being raised, by loan or mortgage, until fifty per cent. on the whole of the capital has been paid up. (H. C. 84 ; H. L. 233, sec. 4, par. 1.)

A clause to provide that where the level of any road shall be altered in making any railway, the ascent of any turnpike-road shall not be more than one in thirty feet, and of any other public road not more than one in twenty feet, unless a report from some officer of the Railway Depart-

ment of the Board of Trade shall be laid before the committee on the bill, recommending that steeper ascents than the above may be allowed, with the reasons and facts upon which such opinion is founded, and the committee shall report in favour of such recommendation ; also, that a good and sufficient fence, of four feet high at the least, be made on each side of every bridge which shall be erected. (H. C. 85 ; H. L. 233, sec. 4, par. 2.)

A clause to prevent a railway whereon carriages are propelled by steam or by atmospheric agency, or drawn by ropes in connexion with a stationary steam-engine, from crossing any turnpike-road or other public carriage-way on the level, unless the committee on the bill report that such a restriction ought not to be enforced, with the reasons and facts upon which their opinion is founded. (H. C. 86 ; H. L. 233, sec. 4, p. 3.)

Also clauses to prohibit a railway from being proceeded with until plans and sections are deposited with the same parties as the original plans and sections, showing the alterations therefrom which have been approved of by Parliament, also to limit alterations in the levels of the railway as described on the section approved of by Parliament, to five feet, or in passing through towns to two feet ; also to require tunnels and arches to be made where marked on the plans and sections, unless with the consent of the owners, &c., of the

lands in, through, or over which such alteration is proposed to be made; also to prohibit any deviation from or alteration in the gradients, curves, tunnels, or other engineering works described in the plan and section, except within certain limits and under certain conditions. (H. C. 88; H. L. 233, sec. 5.)

A clause (according to the Standing Orders of the House of Lords only,) to enact that the directors appointed by the Act shall continue in office until the first ordinary meeting to be held after the passing of the Act, and at such meeting the shareholders present, personally or by proxy, may either continue in office the directors appointed by the Act, or any number of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by the Act being eligible as members of such new body. (H. L. 233, sec. 6.)

Another clause (according to a Standing Order of the House of Lords alone,) to the effect that, in case the work intended to be carried into effect under the authority of the bill shall not have been completed, so as to answer the objects of such bill, within a time to be limited, all the powers and authorities thereby given are thenceforth to cease, save only as to so much of such work as shall have been completed within such time, with such provisions and qualifications as

the nature of the case shall require. (H. L. 233, sec. 4.)

[Notwithstanding this clause, the House always allows parties to re-appear before it with a bill for an extension of time or an enlargement of their powers, according to the circumstances of the case. The legislature, however, will be slow to sanction such favour if ignorant or wilful estimates, statements, or misconduct can be proved by any opponent presenting a petition against such extension of time or enlargement of powers.]

When leave has been given to bring in a bill, it may be brought in on the next or any subsequent day. In some instances, it is presented the same day and read a first time.

In addition to the copies to be delivered to the door-keepers, eight copies of every private bill have to be deposited at the Public Bill Office; and afterwards, a copy of an amended breviate of each such bill.

Proceedings requisite before Second Reading.

The bill having been read the FIRST time, various proceedings, as hereafter described, are requisite before it can pass through the next stage.

After the first reading, the name or short title of any railway (or other private) bill is copied, by the clerks of the Private Bill Office (into a book kept therein for the purpose, and called the "Examination Book") from the official clerk's

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minute book of the day. The clerks also enter in this book the number of the bill, (according to the order in which it passed its first reading in the House), and the date of its passing that stage. (H. C. 131.) These entries having been duly made, the bill has to be examined in the above-mentioned office as subsequently described. It may be here mentioned that every private bill, after it has been read the first time and the title so copied and examined for the votes, is in the custody of the clerks of the Private Bill Office until it is laid on the table of the House for second reading. When committed, the bill is taken by the proper committee clerk into his charge, until it is reported to the House. (H. C. 132.)

Between the first and second reading of private bills, also, they are (as above observed) examined in the Private Bill Office, (each according to its priority and "with all practicable despatch,") the clerk so examining them, as to their conformity with the rules and orders of the House, stating upon the bills any irregularities there may be, or any departure (as regards the form in which they are drawn,) from those rules and orders, or the order upon which leave was granted to bring them in. If such errors be detected, the defective bill has to be withdrawn by leave of the House and an amended one introduced. (H. C. 133.) By a Speaker's Order of March 24, 1840,

particular attention was directed in the examination of private bills, levying tolls, rates, or such like burdens upon the people, in order to prevent the names of "Peers of Parliament, Peers of Scotland, or Peers of Ireland," being inserted therein either in the character of trustees, commissioners or proprietors of any such company. The day of such examination, together with the name of the examining clerk, must be entered in the "Examination Book." The following proceedings are also requisite prior to second reading :—

Notice must be given to the clerks in the Private Bill Office, in writing, by the agent for the bill, of the day proposed for the second reading *three clear days* previously. (H. C. 134.)

By a resolution adopted by the House this session, (Feb. 12, 1846), there must "not be more than *seven clear days* between the first reading of any railway bill and the second reading thereof, except by special order of the House."

The second reading governs the principle of the bill ; and, consequently, all *petitions against its principle* must be presented before that stage. Notice must be likewise given in the Private Bill Office of the intention to present such petitions.

It has already been stated, (but it may be repeated here, as the House has resolved this session to be strict in requiring compliance with

the Order), that on every petition relating to any private bill, the name or short title by which such bill is entered in the votes is to be written at the beginning thereof and whether such petition be in favour or against the bill, as relating to the non-compliance with the Standing Orders. (H. C. 111 a.) No committee is to hear any petitioner who has not obeyed these directions.

What Persons may Petition.

Owners and occupiers of any land that is proposed to be taken by the promoters of the bill, in execution of the works, in respect of which the bill is sought; also,

Shareholders in competing railways.

Persons who may have to pay tolls or rates upon the railway intended to be made; and,

All who can show an absolute interest in the premises—to which so much latitude has been given that persons who may be rendered liable to pay rates or tolls (by any water-works bill for instance), have been allowed a *locus standi* as petitioners, and heard for several days before committee.

This, however, is *not* to be taken to *include* persons acting for or against the projected railway, such as engineers, lawyers, clerks, &c.

In the present session (1846), however, the engineer of an opposing line was admitted as a

petitioner, the committee deciding that the right, however, of such petitioner to be heard depended upon the nature of the objections raised. If an objection, for instance, related to a public highway or public right (likely to be affected or interfered with by the proposed railway), the committee said they would allow any one to appear. This was decided in the case of the Killarney Junction Railway, (Feb. 18 and 19, 1846. Sub-committee, No. 5,) against which a petition was presented from an engineer, complaining of some informalities in the contract deed. On the part of the promoters of the bill an objection was raised to that petition, on the authority of Standing Order No 9. The petition stated that it was the humble petition of Edward Merrill, an engineer; and, in fact, he was the *engineer to a competing line*. Therefore it was contended that he was not a party interested within the meaning of that Standing Order. He must be some person interested in the line, either from being a shareholder, a person through whose property the line would run, or in some other way affected by the line.

On the other hand it was contended, that although Mr. Merrill had no direct interest in the line, yet, as one of the public indirectly affected, he might petition against it if there were any errors committed, as it had been decided in the committees that the public had such right where any

error occurred in the *datum* line, or through the omission of fences, &c.

The chairman of the committee (after the case had been adjourned for the purpose of allowing him to consult with the other chairmen as to the right of the petitioner to appear), decided that “the general opinion was, that the question depended upon the nature of the objection; if it related to a public highway or public right, the committee would allow *any* person to appear. They must therefore take the objections as they were raised, and decide whether they could be gone into or not.”

In this particular instance the opposition was ineffectual, but the case proves the latitude allowed by committees as to the right to appear upon petitions against railway bills.

No such petition, it may be repeated, can be presented unless it have the name or short title by which such bill is entered in the votes, written at the beginning thereof. It must further be stated whether the petition be for or against the bill, as relating to the non-compliance with the Standing Orders of the House. [The subject of petitions to be heard against bills in committee on the bills will be considered hereafter in its proper place.]

Requisites before Second Reading.

In addition to the Notice in Private Bill Office

of second reading, *three clear days* previously, it is requisite that a breviate (containing a statement of the object of the bill and a summary of the proposed enactments, and stating the variations, if any, from the general law that will be effected thereby), must be laid on the table of the House, and be printed *three clear days* at least before second reading. (H. C. 114.)

The fees for the bill must be paid (according to Standing Order 115 of the House of Commons), before it can be read a second time; but the *practice* now is that they be paid before the bill receives the royal assent.

Two calendar months must elapse between the last notice in the newspapers and the second reading. (H. C. 112.)

By a resolution adopted during the present session (Feb. 12, 1846), the breviate of any private bill must be laid on the table, printed and delivered *one clear day* before second reading.

No petitions complaining solely of non-compliance with the Standing Orders will be received subsequent to the second reading, unless in the case of those Standing Orders which must necessarily be taken into consideration by the committee on the bill. (H. C. 111.)

Second Reading.

These various directions and orders having been complied with, the bill is in a position to be

read a second time. Notice, therefore, having been duly given in the Private Bill Office (three days previously), the bill is entered in the list of "second readings" in that portion of the votes and proceedings devoted to private bills, under the head "Private Business."

Early in the sitting of the House and before the time appointed for the commencement of public business, usually, the member who has charge of the bill moves that it be read a second time. It has already been stated that this stage governs the principle of the measure. If that principle be opposed or questioned, the present is the time for such opposition being offered—the member so resisting the bill moving that it be read a second time "this day six months" or "this day three months," as the period of the session may be early or late. Such is the form adopted, though of course it is perfectly understood that no importance is at all attached to the *exact* length of time named—the meaning of the term being that the bill be rejected. Thus, if the amendment (opposing the bill) be carried, the bill is lost for that session, no fresh measure for effecting the same objects being allowed to be presented until after a prorogation or dissolution, (or, in other words, until another session has arrived). If no opposition be made, however, to the bill, it is, in due and usual course of proceeding, read a second time, and committed. The

following extracts from the official records of the House this session, show the form adopted, in this stage with respect to railway bills:—

Edinburgh and Leith Atmospheric Railway Bill,—read 2^o and *committed*, and referred to the committee of selection.

Stirling and Dunfermline Railway Bill,—read 2^o, and *committed*, and referred to the committee of selection.

Manchester, Buxton, Matlock, and Midland Junction Railway Bill,—read 2^o, and *committed*, and referred to the committee of selection.

The committee to which the bill (having been read a second time) is referred, is (as appears above),

“The Committee of Selection.”

This committee is appointed at the commencement of every session, and consists of the chairman of the Committee on Standing Orders, and of the chairmen of the committee and of the sub-committees on petitions for private bills, (of whom three are a quorum). (H. C. 4.)

To this committee is delegated the power of nominating committees on private bills.

The Committee of Selection refers every private bill that is laid before them, *when it is opposed*, to the Speaker's list of that county or that division of a county to which the bill specially relates, and to such members not locally inter-

rested in the bill, as the circumstances of the case shall in their judgment require. (H. C. 50.)

Various alterations have been made (*for the present session*), by the Commons' Select Committee on Railways, regarding the constitution of these committees; but as the changes are only temporary in their nature, it has not been deemed advisable to alter the body of the work by describing those changes here. They will be found fully detailed in the chapter on "The Special Practice for this Session (1846.)"

The committee of selection in each case is to direct what number of members (not locally interested in the bill), and who have been selected and added by the said committee to the Speaker's list of locally interested members, shall be a quorum of such additional members. (H. C. 51.)*

It is the practice that a member selected by the Committee of Selection should be the chairman of the committee.

The clerk attending the Committee of Selection has to give notice to each selected member of his name having been added to the committee on the bill, and of the time when such committee has been appointed to assemble. (H. C. 52.)

The committee can at any time before the meeting of any committees on railway bills, sub-

* For the *altered* practice as regards these committees also *during the present session* (1846), see the chapter on "The Special Practice for this Session."

stitute other members in the place of those it shall think proper to excuse from attending ; and may send for persons, papers, and records, in the discharge of the duties entrusted to it.

No bill is to be considered by the committee of selection to be an opposed private bill where no petition has been presented in which the petitioners pray to be heard by themselves, their counsel or agents, unless in cases where the chairman of Ways and Means shall report to the House that in his opinion the bill should be so treated. (H. C. 53.)

Every *unopposed* bill (not being a divorce bill) is to be referred by the Committee of Selection to the chairman of the Committee of Ways and Means, together with the members ordered to prepare and bring in the bill. (H. C. 54.)

The Committee of Selection (subject to the order that there shall be *seven clear days* between the second reading of every private bill and the sitting of the committee thereon) is to fix the time for the first meeting of the committee on the bill ; but in the case, however, of *unopposed* private bills, after communication with the members who are to form the committee thereon. (H. C. 55.)

Such are the directions contained in the Standing Orders of the House regarding the constitution of committees on opposed and unopposed private bills. The formation of these committees,

however, has been somewhat changed during the last few sessions (with respect to railway bills), by resolutions adopted by the House and superseding, temporarily, the Standing Orders upon the subject. These alterations were effected on the suggestion and recommendation of a select committee on railways in the session of 1844.

The *practice* since has been (and still remains, except where changed or modified by the resolutions adopted this year, 1846, for the regulation of railway business in Parliament *during the present session*—for which see the subsequent chapter of this work upon that amended and special practice) as follows:—

By this new practice of the last two sessions, *unopposed as well as opposed railway bills* (the Standing Orders still prevailing with regard to other private bills) are referred, not to the differently constituted committees as before described—but to a committee chosen by the Committee of Selection, without any reference to the Speaker's list of the county or division of a county to which the bills may more immediately relate. To this committee, opposed and unopposed railway bills are referred, either separately or in groups, the latter consisting of all bills for competing lines of railway. These groups are arranged by the **CLASSIFICATION COMMITTEE**. That committee consists of five members (three being a quorum), and forms all railway bills or projects brought

before the House into groups, such arrangement being guided by the committee's opinion as to which schemes should be properly and expeditiously submitted to the same committees on bills. The Classification Committee is appointed and nominated at the commencement of the session by the Committee of Selection. The rule adopted last session by the former in the classification of railway bills and projects into separate and distinct groups, was that all lines of railway passing through one particular district of country, in similar directions, were to be regarded as "competing lines," and accordingly arranged in one group for investigation and consideration before one and the same committee. Also all railways that professedly are competing lines, or for any reasons are likely to become so, and all having the same terminus. The latter, however, has not always been observed, as in one instance at least, an exception was made where four proposed lines were intended to have the same terminus, and yet were not referred to the same committee.

The mode in which bills are grouped by the Classification Committee, however, will perhaps be best illustrated by the following instances contained in their first report during the present session (1846).

Your committee recommend that the following bills be referred to a distinct committee:—ENGLAND. *Group, No. 1.* —London and York; Direct Northern; Eastern Counties

(Cambridge and Lincoln line); Eastern Counties (Lincoln and Milford); Eastern Counties (March and Lincoln Extension); Cambridge and Lincoln Extension; Eastern Counties (Hertford to Huntingdon); Ely and Huntingdon (Bedford Extension); Stamford and Spalding; Midland Railway (Swinton to Lincoln); Manchester, Midland, and Great Grimsby Junction; Sheffield and Lincolnshire Junction; Sheffield and Lincolnshire Extension; Doncaster, Wakefield, and Leeds; Lynn and Ely (Extension to Spalding); Axholme, Gainsborough, Goole, and York and North Midland.

Group, No. 2.—North Devon; Taw Vale Extension; Bideford and Tavistock; Ashburton, Newton, and South Devon; Dartmouth, Brixham, and Exeter; Launceston and South Devon; No. 1; Ditto, No. 2; South Devon (Tavistock and other branches), No. 1; South Devon, No. 2.

Group, No. 3.—Direct London and Portsmouth; Guildford, Chichester, and Portsmouth; Guildford, Chichester, Portsmouth, and Fareham; Epsom and Dorking.

Committee on Bill.

The committee on any railway bill has to be nominated by the Committee of Selection (as before stated). In the past session, each such committee consisted of a chairman and four members, (as proposed in the resolutions laid before the House in March, 1845, and most of which have been adopted this session—see second report H. C. committee on railways.)* Each of such members before attending and voting is also

* Chapter on Special Practice for the present Session (1846).

thereby required to sign a declaration that neither he nor his constituents possess any personal or local interest in favour of or against any bill or project that would come before him as member of such committee.

As a full and detailed account, however, will be given in a separate chapter of the practice as *temporarily* altered to meet the exigencies of *the present session*, the following description of the constitution and mode of procedure of committees on railway bills is founded on the *still existing* (though *for the session* superseded) Standing Orders of the House of Commons. It may therefore be regarded as the *real* practice of that House; though changed for a time on account of peculiar and temporary pressure from the mass of railway business brought before the Parliament this session. It has therefore been deemed advisable here to give a careful account of the practice according to the Standing Orders of the House, repeating the caution that, as regards the practice of the present session, the before mentioned special chapter must be consulted.

After a committee on any private bill has been formed, no member can be added thereto without the special order of the House. (H. C. 8.)

There must be *seven clear days* between the second reading of, and first sitting of a committee on any private bill. (H. C. 117.)

Subject to the preceding order, the committee of

selection is to fix the time for holding the first sitting of the committee on the bill. (H. C. 55.)

The first sitting of the committee cannot be postponed unless such postponement, and the duration of it has been sanctioned by the committee of selection. (H. C. 56.) The clerk to the latter committee has to give notice in writing to the clerks in the Private Bill Office, of the postponement of the first meeting of the committee on the bill. (H. C. 137.)

Seven clear days' notice must be given in writing by the agent for the bill to the clerks in the Private Bill Office, of the day and hour appointed for the meeting of the committee on the bill. (H. C. 135.) If such notice be not given, all the proceedings of any committee will in consequence be null and void.

A filled up bill, signed by the agent, as proposed to be submitted to the committee, has to be deposited in the Private Bill Office *one clear day* before the meeting of the said committee. (H. C. 136.)

If any report made under the authority of the Board of Trade upon any bill on the objects thereof has been laid before the House, such report must be referred to the committee on the bill. (H. C. 117 a.)

The names of members attending the committee are to be entered by the clerk on the minutes; and he is to take down also the names

of members voting in any division, distinguishing on which side of the question they respectively vote, and give in such lists with the report to the House. (H. C. 71.)

The committee clerk has to give notice in writing to the clerks in the Private Bill Office of the day and hour to which the committee is adjourned. (H. C. 138.)

Revival of Committees on Bills.

It often happens that a committee appointed on a private bill cannot, from a variety of causes, sit on the day appointed for them to meet. In such a case, by the rules of the House, that committee not having been adjourned, becomes defunct. However, by notice being given and the House being petitioned on the subject, it may be revived, which is a constant practice.

There are various Standing Orders of the House that refer specially to opposed bills, and others that regulate the committees on unopposed bills — the constitution of the committee being, as already intimated, different (according to existing Standing Orders) in each instance. These Orders will be stated separately.

1. *Committee on “Unopposed” Bill.*

The committee on an *unopposed* bill (except it be a divorce bill) consists of the chairman of

the committee of Ways and Means, together with the members ordered to prepare and bring in the bill; the chairman of the committee of Ways and Means to be the chairman of the committee; and with one of the other members to be the quorum thereof. (H. C. 6, 68.)

The chairman of the committee on any unopposed bill (not being a divorce bill) is at liberty, at any time after the bill has been referred to him and the other members of the committee, to report to the House his opinion that the bill ought to be treated as an opposed bill. In this case, the bill is to be referred to the committee of selection and dealt with by them as an opposed bill. (H. C. 69.)

A filled up bill, signed by the agent, as proposed to be submitted to the committee, is to be laid before the chairman at the time of giving notice of the meeting of the committee; and similar copies are also to be laid by the agent before the other members of the committee *three days* before the first meeting thereof. (H. C. 70.)

2. Committee on “Opposed” Bill.

The committee on every opposed private bill (except divorce bills) consists of the members on the Speaker’s list of that county or that division of a county to which the bill specially relates, and of such number of “selected members” not

locally interested in the bill in progress, and in such proportion as the circumstances of each case shall in the judgment of the Committee of Selection require, of which committee five (including the quorum of selected members) shall be a quorum. (H. C. 5.)

Before the members of this committee are entitled to attend or vote, each must sign a declaration according to the form required by the Standing Orders. (H. C. 57.) The forms of declaration to be signed are given in the Commons' Order 58; and Standing Order 59 directs that the form of declaration shall be supplied by the committee clerk upon application to be made "either in the Committee Clerk's Office, previous to the time when the committee shall have been appointed to meet, or in the committee-room, previous to the door thereof being locked, as herein-after directed." (See Standing Order 60.) (H. C. 59.)

No member is to be entitled to attend or vote who has not delivered his declaration to the clerk previous to the door of the committee-room being locked for the appointment of a chairman, and who was not present at such appointment. (H. C. 60.)

At the first meeting of the committee, so soon after the expiration of ten minutes after the hour named for its assembling, as there shall be present at least *five* members (including, however, a quo-

rum of selected members), the clerk is to direct the messenger in attendance on the committee to clear the room of all strangers, and to lock the door, and the members then present are to appoint a chairman. (H. C. 62.) Such chairman having however to be chosen from among the selected members. (H. C. 63.)

The quorum of the committee consists of five members (including a quorum of selected members), and the committee cannot proceed to business, or continue its inquiry or deliberations, unless such number of members thereof be in attendance. (H. C. 61.)

If at any time a quorum of selected members be not present, the chairman must suspend the proceedings until such quorum shall be in the committee-room ; and if, at the expiration of *one hour* from that fixed for the meeting of the committee, or from the time when the chairman suspended the proceedings, a quorum of the selected members shall not be present, the chairman is to adjourn the committee for any period he may think fit, and report to the House the circumstances under which the adjournment took place, at its next meeting. (H. C. 64.)

If at any time after the committee on the bill has been appointed, a quorum of members cannot attend, in consequence of any of its members having become incompetent to continue thereon, the circumstances must be reported to the House

by the chairman, in order that such steps may be adopted as shall enable the members still remaining on the committee to proceed with the business referred to them, or as the exigency of the case may require. (H. C. 65.)

No petition against a bill is to be taken into consideration by the committee that does not specify the grounds of objection to any of the provisions thereof, and the petitioners are to be only heard on such grounds so stated. If it shall appear to the committee that they are not specified with sufficient accuracy, they are empowered to direct a more specific and particular statement to be given in, in writing, but limited to such grounds of objection so inaccurately specified. (H. C. 66.)

The committee will hear no petitioners unless the petition have been presented to the House *three clear days* before that appointed for the first meeting of the committee, unless the petitioners complain of any matter that has arisen during the progress of the bill before the committee. (H. C. 67.)

In the case of any railway bill, however, that shall have been *ordered to be engrossed in the session of 1845*, the House has directed that "the time between the second reading of any such bill which shall be brought in in the session of 1846, and the meeting of the committee thereon, be shortened to *three clear days*, the parties giving

the regular notices in the Private Bill Office. (H. C. 125 a.)

It may be here observed that no bill can pass through two stages on the same day in the House of Commons, without the special leave of the House (H. C. 124); and except in cases of urgent and pressing necessity, no motion is to be made to dispense with any sessional or Standing Order, without due notice thereof. (H. C. 125.)

*Where Opposition is not against the Principle of
the Bill.*

Where the opposition to any railway bill is not against its principle, but is directed to the details and clauses thereof, the parties so opposing need not petition the House before the second reading, but when the bill has been read a second time, and the committee thereon has been appointed. Still it is well always to be in good time. The parties opposing the bill in question should present their petitions to the House against the specific clauses to which they are adverse. And where they desire to be heard, they should then also petition to be heard, by themselves, their agents, or counsel, with witnesses, before the committee, against the particular obnoxious clauses of the bill, specifying the opposition they intend to make, and the grounds of such opposition. All persons wishing to be heard, therefore,

before the committee on any railway bill, must petition the House to that effect, procuring some member to present such petition. It will not, however, be effectual, for the petitioner will not be allowed to be heard before the committee if the petition be not presented *three clear days* before that appointed for the first meeting of the committee,—unless, indeed, it complain of matters that have arisen during the progress of the proceedings in committee. (H. C. 67.)

Care must also be taken in preparing these petitions, as none will be considered by the committee on any bill that shall not distinctly specify the grounds on which objection is raised to the provisions thereof; and the petitioners will be heard only on the grounds that may be so stated. If it appear (it may be repeated) that they are not specified with sufficient accuracy, such committee may direct that there be given in to the committee a more distinct and specific statement, in writing; but limited, however, to such grounds of objection so inaccurately and insufficiently specified. (H. C. 67 & 66.)

These petitions must be signed by the petitioners, unless they are abroad at the time, when their solicitor may sign for them. In the case of any corporate body, the petition, as previously stated, must be sealed with the common seal.

Opposition to a railway bill before committee

will be found to be the subject of a subsequent portion of this chapter.

Proceedings in Committee.

The compliance with the Standing Orders, in the case of bills relating to Scotland or Ireland, may be proved by the production of affidavits sworn before any sheriff depute, or his substitute in Scotland, or before any judge or assistant barrister in Ireland, whose certificate shall be admitted as evidence of such proof having been made, unless the committee shall require further evidence. (H. C. 73, 74.)

In all other instances the committee may admit proof of the consents of parties concerned in interest in any private bill, on the production of certificates, in writing, of such parties, unless the committee shall require further evidence. (H. C. 75.)

This committee has no power to examine into the compliance or non-compliance with such Standing Orders as are directed to be proved before the committee on petitions, except by the special order of the House. (H. C. 72.)

Every plan and book of reference produced in evidence before the committee is to be signed by the chairman, who is to mark every alteration with his initials, and every such plan and book of reference is to be deposited in the Private Bill Office. (H. C. 79.)

Every plan and book of reference that has to be certified by the Speaker in pursuance of any Act of Parliament, must previously be ascertained and verified to be exactly conformable in all respects to those signed by the chairman of the committee. (H. C. 149.)

The chairman is to sign a printed copy of the bill, to be called the committee bill, on which the amendments are to be fairly written ; and he is to mark with his initials all the clauses added in the committee. (H. C. 80.)

The committee having opened its proceedings, the committee clerk reads through the list of titles of bills that have been referred to the said committee for investigation ; and also the names of the various counsel who appear for the bills, and of the agents soliciting the same. Then the petitions against the bills and referred to the committee are received, with the appearances of counsel thereon, &c. Another of the preliminary proceedings is to arrange the order in which the several projects referred to the committee shall be taken. In the session of 1845, the chairman of committees issued the following directions and instructions for facilitating the decisions of committees on railway bills upon the various matters mentioned therein. It was suggested,—

“ That if parties agree as to the order of precedence in which bills or projects referred to the same committee

shall be taken, the committee should adopt their agreement."

"That if parties do not agree, the committee will decide the order of precedence without hearing arguments of counsel. In the latter case, such bills or projects in each group as are unopposed will be taken first into consideration."

"That such bills or projects in each group as are opposed, but not by competing lines, will be next taken into consideration."

"That with respect to competing lines, the committee will subdivide, if necessary, the bills and projects in each group, so as to distribute into separate classes the bills or projects of such lines as compete *inter se*."

"That as a general rule in cases of non-competing lines, the bill or project first read a second time, be proceeded with by the committee."

"That with regard to the separate classes into which competing lines have been distributed, the committee must exercise its discretion according to the circumstances of the case, in determining the order of precedence in which such classes are to be taken."

"That with regard to the bills or projects in each class, those which have been read a second time shall be taken first, and in the order of such second reading; and that the bills and projects which have not been read a second time shall be next taken in the order in which petitions for such bills or projects have been presented to the House."

"That in the cases of bills or projects for lines of railways competing *inter se*, the following course is proposed to be adopted :

"A case where there are four competing bills or projects is supposed.

"No. 1. The counsel for the promoters opens the case by a statement of facts, and then produces evidence.

"Nos. 2, 3, and 4 and landowners then cross-examine.

"No. 1, re-examines.

"Nos. 2, 3, and 4 and landowners offer consecutively positive evidence in opposition to No. 1; and No. 1 cross-examines; and Nos. 2, 3, and 4 and landowners re-examine.

"Same process with 2, 3, and 4 in rotation, and 4, 3, 2, and 1, in reply."

A shorter course, and one more economical of time than the above, however, is often pursued by agreement between the various parties, the promoters of competing railways giving at the same time evidence in support of their several lines, and in opposition to those of their opponents who may have already been heard before the committee. After the case for a bill has closed, it is usual for landowners to be heard against such bill. [See Note at end of chapter.]

During the addresses of counsel and the examination of witnesses the committee is in the nature of an open court; but strangers are ordered to withdraw during the deliberation of such committee, being re-admitted when a decision has been arrived at, by vote or otherwise,—the chairman declaring the conclusion to which they have come. With regard to voting, it may be observed that every question has (according to previous practice) been decided by a majority of the committee, exclusive of the chairman, he only voting when the numbers are equal, and his casting vote is required. The second report from the select committee on railways, this session,

however, proposed (and the House has adopted that proposal) that “all questions before committees on railway groups or bills shall be decided by a majority of voices, *including the voice of the chairman*; and that whenever the voices shall be equal, the chairman shall have a *second* or casting vote.”

In the case of unopposed bills, the points upon which the committee have to report sufficiently suggest the character of the evidence required to be produced; and one or two witnesses will usually be able to establish all necessary to be proved before such committee, though, of course, the peculiar nature of each case will to a great extent determine the extent and species of testimony required.

Committees on private bills have no power to send for persons, papers, or records (though by the resolutions of the House adopted this session and founded on the second report from the Select Committee of the House of Commons on railways, the Committee of Selection possesses such power, “in the execution of the duties imposed on them by the foregoing resolutions”). Consequently, when any witness is summoned and refuses to attend (either to give parole evidence or to produce documents in his custody, which he will not deliver up for the purpose of being adduced before such committee) the committee is compelled to have recourse to the House, usually reporting the

circumstances and seeking for directions how to proceed. Upon it being sufficiently shown that the evidence withheld is of a material and necessary character, an order of the House is issued, commanding the refractory individual to attend, with the documents required; which order may be either served upon him personally, or by post, if his distance from the metropolis render the latter course more expedient. Or a special messenger of the House may be entrusted with the due delivery of the said order, if time presses, and it is of importance that the witness be soon in attendance; and if that order be disobeyed, the party opposing it commits a breach of the privileges of the House, and may be taken into custody by the sergeant-at-arms and sent to Newgate, or detained in the apartments of the sergeant, being, in that case, heavily punished, if alone by the heavy fees and costs incurred by being in such keeping. Instances have occurred this session of parties opposing the summons of the committees on petitions; but, before other and more formidable steps were adopted, they wisely attended, and, apologising for their conduct, were pardoned and dismissed.

The committee has to report to the House whether it has or has not agreed to the preamble, or gone through the several clauses, or any of them. And when any alteration has been made in the preamble of the bill, such alteration,

together with the ground of making it, must be stated specially in the report. (H. C. 82.)

If the committee on a railway bill recommend that in the alteration of the level of roads, steeper ascents than are specified in the Standing Orders should be allowed, or that a railway should be made across a road on the level, they are to report to the House the reasons and facts upon which such opinion is founded. (H. C. 85, 86.)

The objects of these two and other like orders are now provided for by the Railway Clauses Consolidation Act. (See Appendix, for Act 8 Vict. c. 20.) Committees on railway bills (whether they be opposed or not) have to report upon numerous matters that have particularly to be inquired into by them during the progress of the investigation. Thus,—

The chairman has to report that the allegations of the bill have been examined, and whether the parties concerned have given their consent (where such consent is required by the Standing Orders), to the satisfaction of the committee. (H. C. 81.)

The committee have further to report whether they have agreed or not to the preamble, or gone through the various clauses, or any of them, &c. (as above described).

The committee has to report specially, in every report on a railway bill, the following different matters :—

1. The amount of capital of the company, and

of loans they may be empowered to raise by the bill.

2. The number of shares subscribed for, and deposits paid thereon.

3. Names and residences of directors or provisional committee, with the amount of shares taken by each.

4. The number of locally interested shareholders, and the amount of capital subscribed by them.

5. The number of other parties and their subscriptions.

6. Subscribers for 2000*l.* pounds and upwards, their names, residences, and amount subscribed by them.

7. Present means of conveyance, its sufficiency or insufficiency; present amount of traffic by land and water, the charges made, and time occupied.

(*Repealed* 1846.)

8. Passengers, weight and description of goods, &c., expected on the railway. (*Repealed* 1846.)

9. Amount of income expected; proportion from passengers and goods, and character of latter, from which largest revenue anticipated. (*Repealed* 1846.)

10. Whether the railway be a complete line, or part of a more extended plan, hereafter to be submitted to Parliament; and how far the calculations of profit depend upon such contemplated and future extension.

11. Whether any report from the Board of Trade on the bill, or its objects, has been referred to the committee; and if so, what recommendations of the report have been adopted or rejected.

12. What planes are to be worked by assistant engines, stationary or locomotive, with length and inclination of such planes.

13. Engineering difficulties, and how proposed to be overcome.

14. Length, breadth, height, and means for ventilation of tunnels, and whether through favourable strata or otherwise.

15. The gradients and curves, whether favourable or not, stating the steepest gradient (exclusive of the inclined planes already mentioned) and the smallest radius of a curve.

16. Length of the main line of railway and of its branches.

17. Whether passing on a level, any turnpike road or highway (if so, calling special attention thereto).

18. Amount of estimates of cost, and other expenses up to the completion of the line; and whether supported by evidence and adequate to the purpose.

19. Estimated charge of annual expenses of the line when completed, and how far proved.

20. How far established that the revenue will

support the cost of maintenance, and still allow profit to the projectors. [*Repealed* 1846: see Note.]

21. The number of assents, dissents, and neuters on the line, with the length and amount of property of each class traversed by the railway, distinguishing owners from occupiers. (In the case of any bill to vary the original line, the above particulars with reference to such parties only as may be effected by the proposed deviation.)

22. Names of engineers examined for and against the bill.

23. Main allegations of every petition against the bill, and whether considered by committee, and if not, why not.

Further, the committee are to report generally as to the fitness, in an engineering point of view, of the line; and any circumstances they think the House should be acquainted with. (H. C. 87.)

It is above stated that paragraphs 7, 8, and 9, of this Standing Order have been this session (1846) *repealed*, by a resolution of the House of Commons (Thursday, February 19th), which is to the following effect:—

Paragraphs 7, 8, and 9, of Standing Order, No. 87, read, as follow,—“That in the case of a railway bill, the committee report specially:—

7. The sufficiency or insufficiency for agricultural, commercial, manufacturing, or other purposes, of the present means of conveyance, and of communication between the proposed termini, stating the present amount of traffic by land or water, the average charges made for passengers and goods, and time occupied.

8. The number of passengers, and the weight and description of the goods expected upon the proposed railway.

9. The amount of income expected to arise from the conveyance of passengers and goods, and in what proportion; stating also generally the description of goods from which the largest revenue is anticipated."

—and *repealed*.

Paragraph 20 was repealed 5th March, 1846.

This alteration (of paragraphs 7, 8, and 9) was effected in compliance with the following suggestion made in the third report of the Select Committee on Railway Bills, for which see chapter on "Special Practice for the Present Session" (1846):—

"As your committee, however, believe that much of the time of the select committees on railway bills is consumed, with little public benefit, in minute and detailed inquiries into the amount of traffic and the probable profit to the projectors, your committee are of opinion that the Standing Orders on these points should be altered, and that it should no longer be obligatory on committees on railway bills to make special reports on them.

"At the same time your committee have no wish to fetter the discretion of the select committees to make such inquiries as they may judge proper with regard to population and to the extent of accommodation that would be afforded to the public, where they consider such information to be required."

It has already been stated that (according to S. O. 82), the committee has to report to the House whether it has or has not agreed to the preamble, &c. It is not, however, obliged to

report in terms that such preamble has or has not been "proved," as it may be reported that the preamble has been proved conditionally upon some particular work, &c. being agreed to be done by the promoters of the bill in question. In group X, however, in the session of 1845, the committee reported in favour of the main line of a proposed railway (the London and York), but postponed the consideration of its branches. Under such circumstances, and where it is desired to proceed as soon as possible with that part of the line thus favourably reported on by the committee, it will be a judicious course to induce some member to move that the House give instructions to the committee to divide the bill into two or more bills, so that an Act may be speedily obtained for, at least, that division of the line sanctioned by the committee. In the above mentioned instance, application was successfully made to the above effect, and the bill was accordingly divided. Details of this proceeding will be found in the notes to this chapter. [Vide Note.]

If the committee decide against the preamble and that the promoters of the bill have failed to establish it, the report is to the effect that "the allegations contained in the preamble have not been proved" to their satisfaction. In such case, the report, when presented to the House, is ordered to lie on the table; and the result is, generally, that no further steps are taken with

regard to the bill that session. If, however, the committee decide that the preamble has been proved, they proceed to go through the various clauses *seriatim*; and when petitions have been presented against any particular clause, the several parties are heard thereon, as the clause comes under consideration. The committee, however, very often postpones some and takes other clauses out of their usual order in the bill, to suit their own convenience, or to meet that of parties engaged in the case. When all the clauses of the bill have been agreed to, new clauses may be offered either by members of the committee, or by the parties; but the committee cannot admit clauses or amendments that are not within the order of leave, or that are not authorised by a previous compliance with the Standing Orders. (May, 426.) When any alterations have been made in the preamble, they must be stated in the report, with the grounds of making them. (H. C. 82.)

If it be proposed to introduce into any bill any new or additional matter, foreign to the bill, or not within the scope of its title, or to leave out of the bill any subject matter expressed in its title, the committee must be particularly empowered to make provision for all such purposes by previous instructions from the House. If it be proposed to divide one bill into two, an instruction to that effect must be given to the committee

on the bill (*see ante*), it not being within their ordinary power. If, on the other hand, it be intended to consolidate two bills, both of them must be first committed to the same committee, and then an instruction given for uniting the two in one. These instructions should be obtained after the bill has been committed, and before the committee sit, or before they proceed to that part of the bill or bills that will be affected by the instruction. (*Bramwell on Bills.*)

Before the committee draw up their report and present it to the House, it is their duty to see that the various clauses required by the Standing Orders to be inserted in every railway bill, are either specially provided for in the bill, or that some clause or clauses of the bill incorporate therewith the various enactments made by the legislature (viz., Railways, Companies, and Lands Clauses Consolidation Acts, passed in the 8th Vict., and given in the Appendix) for the purpose of rendering unnecessary the insertion of those numerous clauses in each individual bill, and thereby reducing the extent of such bills, and at the same time securing increased uniformity and consistency.

It has already in various parts been stated what are the duties devolved upon the chairman of any committee upon a railway bill; but they may be here briefly enumerated together.

He must sign with his name at length every

plan and book of reference thereto produced in evidence (whether previously lodged in the Private Bill Office or not); and must place his initials to every alteration to the plan and book of reference, that may be agreed to by the committee.

He must sign with his name at length a printed copy of the bill, to be called the "Committee Bill," in which amendments are to be fairly written; and sign with his initials the several clauses added in committee.

He must report to the House that the allegations of the bill have been examined, and whether the parties concerned have given their consent, where required by the Standing Orders, to the satisfaction of the committee. (H. C. 79, 80, & 81.)

Before quitting these miscellaneous details with regard to the proceedings in committee on railway bills, the following particulars may be appropriately introduced respecting the evidence desirable to be produced before such committee and the general character of such evidence.

It is usual (in order to establish the expediency and practicability of the measure, and after the address of counsel in opening the case for the promoters) to call evidence, on the subject of the population of the district through which the line is intended to pass; its extent of trade and commerce, its productions, &c. Perhaps the fittest and best witnesses to establish this part of the

case, most to the satisfaction of the committee, will be the owners of property in the said district ; manufacturers, merchants, bankers, farmers, and indeed representatives of the various classes of the community who are most likely to feel the want of and derive benefit from the formation of the projected railway. From such witnesses valuable and appropriate testimony can be obtained with respect to the statistics of the towns through which the line would pass ; their manufactures ; the present accommodation in conveyances, and its defective character ; the advantages to be obtained from increased facilities in travelling and conveying merchandize, goods, &c. The importance of a good and, if it can be obtained, a complete set of witnesses (if the term may be allowed) on this part of the case is very great ; and it will be most desirable, therefore, to prove satisfactorily the above-mentioned and other similar points, as regards the entire route of the contemplated line, and to show that such line is wished for and supported by landowners thereon and the inhabitants of the towns through or near which it will run.

The traffic tables then (according to former custom) used to be produced, and verified by the evidence of the parties who had prepared them (by being stationed along the roads that contributed traffic to the line of proposed railway, or in that direction and calculating the results by the

number of passengers, conveyances, &c. passing along those roads in a given time). The proving, opposing and discussing these tables occupied an immense proportion of the time of the committees on Railway Bills, and when the attention of Parliament was this Session (1846) called to the subject of railway legislation and to the great pressure of railway business, from the number of projects laid before Parliament, the attention of the Select Committee of the House of Commons on Railway Bills was directed, among other matters, to this point. The result was that (in the third report, dated Feb. 17) the following recommendations occur :—

“ As your committee, however, believe that much of the time of the select committees on railway bills is consumed, with little public benefit, in minute and detailed inquiries into the amount of traffic and the probable profit to the projectors, your committee are of opinion that the Standing Orders on these points should be altered, and that it should no longer be obligatory on committees on railway bills to make special reports on them.

“ At the same time your committee have no wish to fetter the discretion of the select committees to make such inquiries as they may judge proper with regard to population, and to the extent of accommodation that would be afforded to the public, where they consider such information to be required.”

In accordance with these passages from that report, the House (Feb. 19) repealed the 7th, 8th, and 9th paragraphs of Standing Order 87 requiring special reports on the sufficiency or insuf-

ficiency of present means of conveyance; the extent of passengers and goods excepted; and the income anticipated. The effect of this valuable alteration will be greatly to diminish the superfluous and somewhat unnecessary work and tedious investigation hitherto imposed on committees on railway bills. The time has long since arrived when these proofs of traffic, present and prospective, were no more required; for, whatever may be the existing extent of conveyance in any district of the country, the undoubted readiness of capitalists to invest their money for the construction of new and additional modes of transmitting passengers and goods practically settled a question that it was wasting valuable time for committees to be so many hours engaged in considering and investigating. The result of the change will be greatly to expedite the progress of bills through committee, by reducing the number of matters to be inquired into, discussed and proved. Section 20 has also since been repealed.

During the proceedings in committee, if any questions arise upon which the committee desire information or further evidence, in consequence of an opinion that sufficient proof on the point has not previously been given, they may require the attendance of witnesses thereon, in addition to those adduced by the promoters and opponents of the bill or bills before them. And, further, if a member of Parliament wish to give evidence to

the committee upon any subject connected with the projects before them, he may be called in and examined with respect to that subject. Frequent instances have occurred of this being done. One case occurred in the Session before last, 1844, before the Bury and Manchester railway committee, in the House of Commons.

In cases where the bill was *ordered to be engrossed in the Session of 1845*, a Standing Order (88 a) directs that the committee shall examine whether the bill be the same in every respect as that at the last stage of its proceeding in the House in the last year. In such instance, no evidence shall be received by the committee [for or against the bill]. On the reception and adoption by the House of a report that the bill is in every respect the same as at the last stage of its proceeding in this House in last Session, such bill may be ordered to be engrossed without any further proceeding in respect thereof. [H. C. 88 a.]

[The committee clerk, after the report is made out, has to deliver in to the Private Bill Office a printed copy of the bill, with the amendments made in committee written therein. In this bill, all the clauses added by the committee are to be regularly marked in those parts of the bill wherein they are to be inserted.]

Promoting and Opposing Bills in Committee.

In the preceding part of this chapter the proceedings in committee on the bill as required by the Standing Orders have been duly noticed. It is at present intended to submit various general remarks with regard to the different circumstances under which bills come before committees, and with which promoters and opponents thereof may have to contend. They will be made under the following heads, and in this order :—

1. Propriety of Consultations between Counsel, Solicitors, Engineers, &c.
2. Expediency of altering, or opposing the alteration of, Clauses.
3. Excessive Demands of Landowners, &c.
4. Practice of Committees generally.
5. Right to be heard against the Preamble.
6. Right to be heard against Clauses, &c.

The above divisions have been made for the sake of facility of reference, as many of the remarks and observations that follow, are necessarily of a miscellaneous and varied nature, and have, therefore, been arranged under these heads, and classed together in separate sections, as far as was practicable, for the convenience of the reader. To proceed, then, first, with the observations on,

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1. *The Propriety of Consultations between Counsel, Solicitors, Engineers, &c.*

Consultations between the counsel, engineers, and solicitors, engaged in connection with any railway are extremely desirable, and will be found most advisable. It is impossible that the counsel employed, or the solicitors, can understand, without the assistance of the engineers, the chief practical points to be relied on in opposition to, or the best practical points to be urged in favour of a bill. Consequently, without frequent communications between these several parties, no bill can be safely carried through both Houses in case of opposition; nor can an opposition to any such bill be effectual and powerful without recourse to this or some similar mode. Hence the necessity of consultation, inquiry, and a thorough knowledge of plans and sections. The counsel and solicitors should, for this purpose, be aided by the advice and opinion of able, practical engineers. The talents of these gentlemen, together with their experience, will well fit them for that object. In their cross-examination of opponents, it will be expedient that counsel should have the engineer by their side. Just as no engineer can become an accomplished and learned advocate at once, so neither can the barrister, however extensive his experience and practical knowledge, or the solicitor, become an engineer



immediately, acquainted with all that will be requisite to conduct a bill safely through committee, when opposed, or to manage successfully opposition that may be raised to any railway scheme, for which the sanction of Parliament is sought to be obtained. Many engineering questions will arise, upon which an engineer himself will not be allowed to speak. It will, therefore, be necessary that those who are retained to act in connection for the attainment of one specific object (be it the support of, or opposition to, any railway bill in committee) should be well acquainted with the objections to be raised, or the circumstances to be urged in favour of the measure, as the case may be. An engineer, it should be borne in mind, can always be called in as a witness, though he is not allowed to be an advocate; and hence an intelligent counsel may, by an exercise of judgment, make the greatest use of the talent, experience, and practical scientific knowledge of the parties engaged with him, without in any way infringing on the usual practice of Parliament.

2. *Expediency of altering, or opposing alterations of Clauses, &c.*

It is often a question of some importance to those who have charge of the conducting of private bills, and especially railway bills, through Parliament, to consider as to the expediency of

altering, or opposing the alteration of clauses, according to the amount demanded, requested, or expected, for their lands or other interests, by parties threatening to oppose such bills. It is a general system, however, to give way in such cases, even more than to what might be deemed a reasonable and equitable extent. If, however, much too large or exorbitant a demand be made, as is too frequently the fact, it is in the discretion of the promoters, and it is often a sound discretion, to let the parties take their course, and leave all they have to allege in support of their claims to the calm and deliberate consideration of the committee on the bill, assisted by the advice and judgment of able counsel. This is frequently forced on promoters of bills by the high demands of opponents, who rely upon the anxiety of the former to silence and lessen opposition; but the latter often have cause subsequently to regret having compelled the agents and others to refer the question to the decision of the committee on the bill itself.

3. *Excessive Demands of Landowners, &c.*

It generally happens that persons who have land through which a railway is proposed to pass, consider that such railway must necessarily go through their land, and that, consequently, they can procure such price as they may ask

for it. Hence many dissenters are returned in reply to the solicitor's note, in connection with the special notice given to every owner, &c., where parties so apparently dissenting, know that if such railway goes through their property it will greatly improve the land in value. The expectation or hope that, more than immensely increased profit, may be made by "holding out," induces persons so to act. Such parties, however, act very indiscreetly, by such a course. Landed proprietors of high rank did thus in Lancashire, and when the parties proposing the Manchester and Liverpool railway were somewhat annoyed by an opposition of such a nature, and propounded another line through Chat Moss, to avoid the possessions of the "dissenters" (and which Chat Moss had been previously regarded as impassable), then the owners of land upon the rejected line expressed the desire that the railway should be formed through their estates, which they had only shortly before opposed. This is one of the strong instances on record of the foolish opposition (or rather apparent and interested) opposition to railways.

The opponents in this case were two noble earls; and the course at first pursued by those noble lords is a powerful proof that ignorance as to the effect of railways upon property has not been confined to the middle or indifferently instructed classes of the community, but has ex-

tended to peers and able statesmen. When the above-mentioned Liverpool and Manchester Railway bill was brought before Parliament, it was strongly, and for two or three sessions successfully, opposed by the Earls of Derby and Sefton, on account of their apprehensions that the proposed scheme would seriously injure and depreciate their property. In consequence, a new line was marked out ; and “that miracle of modern science, the metamorphose of Chat-moss into a solid foundation” was effected, and the railway completed. It, moreover, produced vast profits, despite the enormous expenses to which the promoters had been subjected by long-continued opposition in Parliament ; and it further increased immensely the value of the property through which it passed. These results had the effect, ultimately, of convincing the former noble opponents of the injudicious nature of the course they had pursued to such an extent that they then sought to have a railway passed through their property instead of any longer opposing one, and against even the competition of the line already formed, and consequently without anything approaching equal prospects of success and profit.

This is a powerfully speaking example to land-owners, who should be, at least, induced to pause and reflect before they yield to prejudice and resist the adoption of plans that have been so satisfactorily proved, in nearly every case, to in-

crease wonderfully the value of estates through which any portion of a railway is carried. Some, doubtless, honestly dissent, when the notices are duly served upon them; while others, anxious to drive a hard bargain, and thinking that such an expression of an opposing opinion will secure them larger compensation, appear to be against a scheme with which they are really secretly pleased, on account of the prospect of selling at a high price the land that may be required by the particular company. To both these classes of dissentients, it may be observed that railways have been clearly shown to improve, not depreciate, the property through which they pass; that they have almost incredibly raised the value of land, and enabled large tracts of estates to be sold in places, as building or garden ground, at perhaps twenty times the amount it would otherwise have realized.

At the same time a sound honest opposition to a line when a farmstead is cut through, pleasure grounds completely spoilt by being dissected, or a park so infringed upon as to be materially deteriorated in beauty, remains in its integrity, and deserves all due and careful consideration. It is not the object of the author of this work to advocate railways as constituting universal and unexceptional benefits and blessings, but he would wish to see that, where private interests suffered, there should be given to every person who may

be either injured or even inconvenienced by the making of such roads, for the common good of the entire population, every consideration and remuneration for any loss or annoyance that may result from their formation, in the most liberal spirit.

At the same time it is quite clear that having the privilege of using the terms "assent," "dissent," or "neuter," numbers of persons use the second of those words, "dissent," in cases where they would very gladly indeed use the preceding term "assent," if it were not for the sake of forcing a higher rate of compensation, as they imagine, as they think that a large body of persons, with an immense common capital, will give them very exorbitant prices to get rid of such "dissents." If railway companies were so formed as to be obliged to have the lands of such opponents, and could not quietly go out of them (being allowed, be it remembered, by the Legislature, 100 yards on each side), these parties demanding such extravagant compensation might be gratified and enriched by the result. But, fortunately for the companies at least, Parliament provides that in such cases, where persons so wishing to obtain enormous and disproportionate value for their property appear in the character of disinterested opponents, on engineering and other grounds, which are used only to compel exorbitant compensation, there shall be a

satisfactory remedy, by which justice may be done to all parties. An experienced and ready solicitor or agent will suggest, when there are such extortionate claimants, the propriety and expediency of inducing the committee to hear the opponents on different days, so that such persons may not combine their forces, but may have each case heard on its own separate and distinct merits. A committee observing any intention to amalgamate opposition to that which is manifestly just, may determine upon hearing each ground of opposition by itself, on separate days, so that no particular influence or favoritism could be successfully exerted. In fact, that which has long been disused in the courts of law, and visited with severe penal consequences, namely *maintenance*, is under another form frequently practised in Parliament for selfish and interested purposes.

4. Practice of Committees generally.

For some years past it has been generally desired and sought to assimilate the practice of committees of Parliament to that of Courts of Law, so far as that object could be attained, in combination with the preservation of the peculiar and distinctive characteristics of the former tribunals. The construction, however, of Parliamentary committees, necessarily prevents the adoption of any general and universally prevailing rules of

practice upon all the subjects that are submitted to them for investigation, and, as was explained in a preceding part of this volume, their proceedings greatly differ, in many important respects, from those of the superior courts of law. Many and weighty, too, are the reasons why this should be so ; and it would be undesirable that, as regards the examination into railway and similar joint-stock undertakings, the committees thereon should adhere to the strict rules of evidence that govern the judges of the land in presiding at civil or criminal trials.

Thus, though in all matters there may not be clearly defined and fixed rules regulating the proceedings of Parliamentary committees, still, where such rules have been agreed to and sanctioned by repeated recognition and adoption, it will be very advisable they should be here stated, as guides to and intimations of the general principles that govern such proceedings.

First, then, to treat of what has been held to be a sufficient *locus standi* to be heard before the committee on a bill, either in person or by counsel. This important question has been much discussed in committees, and various (and sometimes conflicting) have been the decisions thereupon. Where several competing lines have been classed in the same group (according to the course now pursued by the Classification Committee of the House of Commons), those competing schemes are held to

receive their *locus standi* from their reference to that group. In the session of 1845, accordingly, the promoters of schemes (where there had been a due and regular deposit of plans, &c.) which had even failed before the Standing Order Committee, and therefore could not proceed themselves with their bills, were admitted as opponents to the bills of competing lines. Instances of this occurred in the committee to which were referred the numerous competing railways from London to York. It was decided, however, that where the plans and sections had not been deposited, or other steps taken for applying to parliament to sanction the formation of the proposed line, the promoters of such line were *not* entitled to appear before the committee against competing railways. (Group S.S. Sess. 1845.)

A *locus standi* is possessed by parties interested in the land or other property in the line of the proposed railway—such as the owners and occupiers of such property which will be either passed through or actually injured by the scheme. Those not comprised in the schedule, however, may oppose the project before the committee below, inquiring into compliance with the Standing Orders; but when before the committee on the bill, such parties, in order to show their right to be heard, must prove the damage to their property that would result from the railway or railways opposed by them. Very conflicting deci-

sions, however, have been pronounced by different committees on the question of what interest in land constitutes a *locus standi*, and it cannot be regarded in any measure as yet satisfactorily determined. Still it has usually been considered that those whose property was not *substantially* injured (*i. e.*, either by being encroached upon, divided, or otherwise actually interfered with), by the proposed railway, but was merely lessened in value by the necessary results and consequences of the formation of the line, did not possess a *locus standi*. If a contrary opinion had been allowed to prevail, an endless source of opposition would have been opened, owing to the necessarily extensive changes in the value of property from the construction and working of every railway, not merely along its line and immediate neighbourhood, but extending on each side many miles into the country. Two instances occurred last session (in groups L. & S. S.) of parties being heard in opposition whose property was not substantially and actually injured by the railway itself, but who complained that the scheme, if carried into operation, would greatly deteriorate the value of their possessions. However, these may be regarded as exceptions to the general rule; and from the very nature of the committees themselves, perfect uniformity of practice can scarcely be expected.

Consequential damage, &c., nevertheless, may

be oftentimes admitted in proof by parties who have in their petition other matters that constitute a *locus standi*, though that consequential damage would not, of itself, have entitled them to be heard before the committee in opposition to the bill.

This part of the subject is necessarily in an unsettled and undecided state at present, owing, as before remarked, to the many conflicting decisions of committees upon the question of what constitutes a *locus standi*. The decisions, probably, during the present session will satisfactorily determine many points that have not hitherto been the objects of any uniform adjudication. There has already appeared a desire on the part of the members of different committees, to consult together on difficult or frequently recurring questions; and in many instances judgments in sub-committees on petitions (for example), have been delayed for a few days, in order that the chairman of other committees might be seen, and decisions pronounced that would agree in principle with those of other similar tribunals. From the spirit and desire thus manifested, much may be hoped in the way of greater uniformity of decision upon important questions that are constantly coming under consideration and discussion; and yet have hitherto not been satisfactorily decided, owing to the varying judgments delivered thereon.

It may be remarked, with respect to the nature of the proofs that may be produced in committee, that, though the rules of legal evidence are professedly observed as the general guides, considerably greater latitude is allowed them in courts of law; and that, for instance, much hearsay is usually admitted by the committee as to the opinion about the proposed railway entertained by those along the line, &c.

5. *Right to be heard against the Preamble.*

It has already been stated that a *locus standi* is possessed to oppose a railway bill in committee, by all whose property will be substantially and physically injured by the proposed line; and all such parties are allowed to oppose the preamble (or, strictly regarded, to oppose the *principle* of the bill).

1. All landowners, therefore, have a right to appear against the preamble of any bill that proposes to take part of their land for the execution of the contemplated line.

2. All whose names appear in the schedule of the bill are allowed a *locus standi* to be heard against the bill, whether their property will be required by the formation of the line or not—according to the case (before a committee of the House of Lords) of the Midland Railway, Nottingham and Lincoln; and the case (in the Com-

mons, group N.) of the West Cornwall Railway.

3. All parties likewise possess a *locus standi*, promoting railway projects which have been grouped together by the Classification Committee. But the House of Lords last session excluded all projects that had either been rejected on their merits or on Standing Orders by the Commons.

Various other parties have been held by different committees to be entitled to be heard against the preamble of a bill; but the question cannot be regarded as by any means settled, as to what amount of interest in land constitutes a sufficient *locus standi* to be so heard by counsel or in person.

It has been decided in various cases in committees of both Houses last session, that a company that had not deposited plans, &c., duly, was not entitled to oppose the preamble of a bill for a competing line. Where a landowner opposes the preamble on the ground of the injury that would be done to his property by the proposed line, it is very important he should prove that a competing railway running in a somewhat different route would be more advantageous to the public at large, as well as not injurious to him; but it has been decided in committees on bills that a landowner cannot cross-examine a witness to show that a particular project which was *not* before Parliament, and had not complied with

the requirements of the Standing Orders, was more desirable. It was further held that he was entitled only to be heard as a landowner, and not as a person interested in, or supporting, any such competing line. In one case, landholders were permitted (by the House of Lords' Select Committee on the Erewash Valley Railway Bill) to adduce evidence as to the general direction of a superior line to that under consideration; but they were not allowed to go into the details of any individual scheme for such railway.

The House of Commons, last session, allowed a *locus standi* to projects that had failed on the Standing Orders, and they were permitted to appear and be heard against competing lines; but the House held that where the preamble of any bill had been investigated and negatived, the promoters thereof could *not* appear and offer evidence against the other bills or projects in the same group. (This latter point was decided by the committee in group A. on the case of the South Eastern (branch to Deal) Railway bill, where counsel for the North Kent Railway bill, the preamble of which had been decided not proved, sought to oppose the former on the preamble.)

No *locus standi* is possessed where opposition is offered to a preamble by a portion and not the entire body of the shareholders of any company; nor can a shareholder in any company be heard

as a petitioner against the bill promoted by such company; nor trustees of roads, nor landowners on the line, if any of them possess shares in the railway they seek to oppose.

The above miscellaneous remarks are intended to indicate some of the chief general principles on which committees act in admitting opposition to the preamble of any bill, rather than intended as a description of the grounds that entitle parties to appear in such opposition. At the present time, it would be impossible to give any such description, that could be at all complete or satisfactory. The decisions during the present session (1846) will, however, no doubt materially lessen that difficulty, and enable a tolerably perfect set of rules to be deduced, as regulating the right to a *locus standi* before committees on bills. It now remains briefly to advert to the next point.

6. *Right to be heard against Clauses.*

The opposition to the preamble of a bill is, correctly viewed, to be regarded as opposition raised to the *principle* involved therein. However, in practice, this view is not maintained; and parties frequently give up their opposition, though the principle remains exactly the same, upon their receiving more advantageous terms than had previously been offered them as compensation for property required by the line, &c.

Various parties, however, who have no *locus standi* to be heard against the preamble of a railway bill, may appear and adduce evidence against individual clauses therein injurious to them, or claim the right to have a clause or clauses inserted for their own protection. Committees, however, will not generally award any compensation in respect of possible or imaginary injuries. But if it can be satisfactorily established to them that the construction of any particular line will cause serious and positive damage to any individual (if the case be such that the committee can recognise the claim to compensation), then the amount to be granted on that account will be awarded by the committee, a clause securing it to the party injured being inserted in the bill.

The trustees, commissioners, &c., of roads or canals (proposed to be crossed by any railway), have a right to appear before the committee on such bill, to claim the insertion of additional, or the alteration of existing clauses therein, with respect to the manner in which such crossings shall be made, so that they may not be injurious or inconvenient to the roads or canals in question. Where, however, the ground of complaint on the part of such trustees, &c. is the interference with their respective modes of conveyance, the petition must be against the preamble of the railway bill, as it contains an objection to the very principle, not the details thereof. No

petition can be entertained merely complaining of the deterioration in the value of such property as roads or canals, from the construction of a railway; nor can compensation be granted to the commissioners of any pier and harbour for the decrease of dues, consequent upon the formation of a line, and the transit of coals, &c., thereon, instead of (as previously) by vessels entering the said harbour and paying harbour dues.

In all petitions against any clause or clauses of a bill, the precise grounds of complaint must be clearly stated, and the petitions must show a sufficient case to be heard. No ground of opposition will be allowed to be gone into that is not specified in the petition, and the petitions will only be heard on such grounds so stated. If, however (according to the Standing Order, 66 H. C.), it appear to the committee that the grounds are not specified with sufficient accuracy, the committee may direct that there be given into the committee a more specific statement in writing, but limited to such grounds of objection so inaccurately specified. Parties promoting a particular railway will not, however, be heard against certain clauses of a bill in the same group, where no petition has been presented, setting forth the grounds of complaint. From such omission it was held they were debarred from being heard against any of the clauses.

It may, therefore, be generally stated that those

who are entitled to appear against the preamble of a railway bill will be heard, upon the presentation of a petition to that effect, in support of the insertion or alteration of a clause or clauses, so that their rights and property may be protected, or adequate compensation granted. Compensation, however, will not be granted for any probable injury to, or depreciation in the value of, any property, consequent upon the construction of any railway. If a contrary principle were recognised, endless sources of opposition would be admitted; and such costly obstacles would be thrown in the way of any new undertaking, that few or none could withstand and overcome them.

Before concluding this part of the subject, it will be well to introduce here some valuable suggestions (just issued by the House of Commons, March, 1846) with regard to the course of proceeding of select committees on railway groups. The suggestions were drawn up by the chairman for the consideration of the said select committee, and form an *amended* version of those already given at pp. 111, 112 and 113.

Proceedings of Committees on Railway Groups.

1. The attention of every committee should be directed to the following resolutions of the House:—"That all select committees on railway groups or bills be empowered to refer (if they shall so think fit) to the chairman of ways and means, together with the members ordered to prepare and

bring in each such bill, any unopposed railway bill submitted for their consideration, and that such bills be severally dealt with by the said chairman and those members respectively acting with him, as other unopposed bills are to be dealt with."

2. If parties agree as to the order of precedence in which other bills included in the group shall be taken, the committee will adopt their agreement.

3. If parties do not agree, the committee will decide the order of precedence, without hearing counsel.

4. In this case such bills in each group as are not opposed by competing lines will be first taken into consideration, in the order in which they have been read a second time.

5. With respect to competing lines, the committee will subdivide if necessary the bills in each group, so as to distribute into separate classes the bills for such lines as compete *inter se*.

6. With regard to such separate classes and the bills in such classes, the committee must exercise its discretion, according to the circumstances of the case, in determining the order of precedence.

7. In the cases of bills for lines of railway competing *inter se*, the following course adopted last session is proposed to be continued :—

Suppose a case of four competing bills :

No. 1. Counsel opens the case, and then produces evidence.

Landowners and other opponents, and Nos. 2, 3, and 4 then cross-examine.

No. 1. Re-examines.

Landowners and other opponents, and then Nos. 2, 3, and 4 offer consecutively positive evidence in opposition to No. 1, on the merits of his case.

No. 1. Cross-examines.

Landowners and other opponents, and then Nos. 2, 3, and 4, re-examine.

Same process with 2, 3, and 4, in rotation, and 4, 3, 2, and 1 reply.

Where the opposition of several distinct opposing parties turns on the same point, it will be desirable to restrict, as far as possible, the limits within which the right of successive examinations and cross-examinations shall be exercised.

8. In all cases the counsel in opening the case is to be restricted to a statement of facts. The counsel for opponents may either address the committee previously to offering evidence, or afterwards, but not both.

9. The promoters of each bill shall be required, *two clear days* before the day appointed for the first sitting of the committee, to furnish to the clerk of the committee, for the use of each member thereof, a particular printed statement of the chief points, succinctly stated, on which they rest their case.

10. The opponents of a bill shall be required to furnish at the same time a like statement of the chief points on which they rest their opposition.

11. The Standing Orders as to traffic having been rescinded, no detailed evidence as to traffic shall in ordinary cases be received either in support of or in opposition to a bill, but the promoters of a bill shall be required to append to the foregoing statement a printed list of the chief cities or towns intended to be accommodated, with their respective distances from the proposed line, together with the amount of the population of such cities or towns, taken from the returns of the last general census. It will, of course, be competent to the committee, if they shall see sufficient cause, to require further evidence as to traffic.

12. With a view to place some reasonable limit on the amount of engineering evidence, parties shall be required to furnish the committee with the names of the engineering witnesses whom they propose to call; and it is recommended that committees should place some limit on the number of en-

gineering witnesses to be examined with reference to the same portion of any proposed line.

13. In the case of amalgamation bills, the promoters of any such bill shall be required to furnish the committee with a printed statement of all the pecuniary claims and liabilities to which any company included in the proposed amalgamation is subject by any previous Act of Parliament.

The committee on any railway bill having agreed to the preamble, and gone through the various clauses, new clauses may be offered, either by members of the committee or by the parties. The committee, however, cannot insert clauses as amendments that are not within the order of leave, as in respect of which there has not been a due compliance with the Standing Orders of the House.

When the report has been drawn up the committee clerk delivers into the Private Bill Office a printed copy of the bill, with the written amendments made by the committee; and every new clause added thereby is marked at the place for its insertion. (H. C. 140.) In conformity with the authenticated copy the bill is to be printed at the expense of the parties, unless the committee report the amendments to be merely verbal or literal.

Report.

One clear day's notice in writing of the day on which the bill is to be reported must be given by

the agent for the bill to the clerks in the Private Bill Office. (H. C. 139.)

The chairman of the committee has to report to the House that the allegations of the bill have been examined, and whether the parties concerned have given their consent, where such consent is required by the Standing Orders to the satisfaction of the committee. (H. C. 81.)

The minutes of the committee on the bill have to be brought up and laid on the table of the House wth the report. (H. C. 83.)

The report upon every bill directed to be printed, as amended in committee, is ordered to lie on the table. (H. C. 118.)

When it is intended to bring up any clause, or to propose any amendment on the report, notice must be given thereof in the Private Bill Office, on the *day previous* thereto. (H. C. 141.) The suddenness and shortness of this notice require constant attention on the part of opponents.

Any clause or amendment offered upon the report, has to be referred by the House to the Standing Orders Committee, and to be printed. (H. C. 121.)

When any such clause or amendment shall have been referred to the select committee on Standing Orders, they have to report to the House whether such clause or amendment be of such a nature as not to be adopted without the re-commitment of the bill, or of such a nature as

to justify the House in entertaining it without recurring to that proceeding, or of such a nature as not in either case to be adopted by the House. (H. C. 48.)

No further proceeding can be had until the report of the said committee has been brought up. (H. C. 122.)

The amendments that may be made upon the report (or consideration of report), must be entered by one of the clerks in the Private Bill Office upon the printed copy of the bill as amended in committee. This clerk has to sign the said copy so amended, in order to its being deposited and preserved in the said office. (H. C. 143.)

Every private bill, after report, is ordered to be engrossed by the House, the expense of which is rather considerable.

Consideration of Report.

Each bill, as amended in committee, except where the committee reports the amendments merely to be verbal or literal, must be printed after report; and delivered to the door-keepers for the use of members, *three clear days at least before* the consideration of the report. (H. C. 120.)

A breviate of the amendments made in committee on the bill is to be submitted to the chairman of the committee of ways and means, and

also laid upon the table of the House, at least the day previous to the consideration of the report of such bill. (H. C. 119.)

One clear day's notice in writing of the day proposed for the consideration of the report must be given by the agent for the bill to the clerks in the Private Bill Office (the same as on report). (H. C. 139.)

By an order of the clerk of the House (March 30, 1844) every agent at the time he gives notice at the Private Bill Office of the day for the consideration of the report on the bill, must produce a certificate from the door-keeper, that copies of the amended printed bill have been delivered to him on the proper day (namely *three clear days* before the consideration of the report, by Standing Order 120.)

When it is intended to bring up any clause, or to propose any amendment on the consideration of the report, notice thereof must be given in the Private Bill Office *on the day previous*. (H. C. 141.)

Any clause or amendment offered upon the consideration of the report has to be referred to the Standing Orders Committee, and to be printed. (H. C. 121.)

That committee has to report to the House thereon, whether the proposed clause or amendment is of such a nature as not to be adopted by the House without the recommitment of the bill,

or of such a nature as to justify the House in entertaining it without recurring to that proceeding, or of such a nature as not in either case to be adopted by the House. (H. C. 48.)

No further proceeding can be had in the bill until the report of the said committee has been brought up. (H. C. 122.)

The reports on railway bills are to be considered on Tuesdays and Thursdays. (H. C. 123.)

There was formerly only one day in the week named for the consideration of reports on railway bills,—viz. Tuesday; but, last Session, owing to the great increase in those bills, another day in each week was fixed, and the above Standing Order altered to its present form.

Where the report from the Standing Orders Committee is that the clauses or amendments proposed in any private bill (either on report or consideration of report, as the case may be) are of such a nature that the House ought not to adopt them without the recommitment of the bill, the House generally, upon the reception of that report from the committee on Standing Orders, directs the

Re-committal of the Bill.

The entire bill is then subject to reconsideration by the committee, unless such recommittal be limited to some particular clause or amendment.

In case of a recommittal of the bill, *three clear days'* notice, in writing, must be given by the agent for the bill to the clerks in the Private Bill Office, of the day and hour appointed for the meeting of the committee on the said bill. (H. C. 135.)

In the case of a recommitted bill, too, a filled-up bill, as proposed to be submitted to the committee on recommittal, must be deposited in the Private Bill Office *one clear day* before the assembling of such committee. (H. C. 136.)

Third reading.

One clear day's notice in writing must be given by the agent for the bill, to the Private Bill Office, of the day proposed for the third reading. No such notice, however, can be given until after the bill shall have been reported, or the report thereof considered. (H. C. 142.)

Notice must be given in writing at the Private Bill Office the *day previous* to the third reading, where it is intended to bring up any clause or to propose any amendment in that stage of the bill. (H. C. 141.)

Any amendments that may be made on third reading are entered by one of the clerks of the Private Bill Office, upon the printed copy of the bill as amended in committee; and that copy is signed by the clerk and preserved. (H. C. 143.)

Before the bill is read a third time, a certificate has to be indorsed upon the paper bill and signed by one or more of the examiners of ingrossments, declaring that the ingrossment thereof has been examined, and that it agrees with the bill as amended in committee and on consideration of report. (H. C. 145.)

To insure accuracy, the clerk of the House has to provide a sufficient number of clerks to be called "Examiners of Ingrossments." (H. C. 144.)

On the third reading, when any clause or amendment is proposed at that stage of the bill, it is referred to the Standing Orders Committee, and has to be printed. (H. C. 121.)

That committee has thereupon to report to the House whether such clause or amendment ought or ought not to be adopted by the House at that stage. (H. C. 49.)

This, though a Standing Order, is rarely attended to, as the Standing Orders Committee have about this time, which is usually very far advanced in the Session, ceased to sit.

No further proceeding can be had until the report of the said committee has been brought up. (H. C. 122.)

The bill having been "read a THIRD time and passed" in the House of Commons, it is next sent up to the House of Lords. Its progress there will form the subject of the ensuing chapter.

It will, however, be perhaps the most convenient here (in concluding this description of the practice in respect of private bills in the House of Commons) to refer to the mode in which bills are proceeded with on their return from the other House of Parliament.

Consideration of Lords' Amendments.

In case any private bill is passed through the House of Lords without amendment, that fact is stated by their lordships' messengers (Masters in Chancery) on bringing back the bill to the Commons. If such be the fact, the bill passes through no further stage, but awaits the royal assent. Their lordships' messengers also state if any alterations have been made in any particular bill, informing the House that they have passed the bill in question "with an amendment" or "with amendments" (as the case may be), and to which they desire the concurrence of that House.

When any amendments have been so made by the House of Lords to any bill, notice must be given in the Private Bill Office *the day previous* to the consideration thereof. (H. C. 146.)

If these amendments be disagreed to, the bill falls to the ground unless they be waived by the House proposing them. Sometimes, however, differences on such subjects are arranged by amendments being proposed on the original

amendments, that so far qualify the otherwise obnoxious alterations as to lead, ultimately, to agreement between the two branches of the Legislature. Frequently conferences are held between committees specially appointed by both Houses for the purpose ; and the members attending such conferences report the result on their return to their own Houses.



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NOTES

ILLUSTRATIVE OF THE PROCEEDINGS IN
RAILWAY BILLS
IN THE HOUSE OF COMMONS.

NOTES TO CHAPTER I.—PART II.

THE following are notes and illustrations to various matters treated of in the preceding chapter. It was not deemed advisable to introduce the subsequent details and particulars in the body of the chapter; and indeed some of them are founded on recent proceedings before committees of Parliament, that had not taken place when the preceding chapter was in print.

[Note to p. 25.]

Notices in the Gazette and Newspapers.

If any variance exist between the wording of the several notices in the *Gazette* (London, Edinburgh, or Dublin, as the case may be) and in the local newspapers, such discrepancy will be a ground of objection that may be raised by opponents before sub-committee on petitions. An instance of this arose last Session, before sub-committee No. 2 (of which Sir John Yarde Buller was chairman) in the case of the Eastern Counties Railway (Hertford and Biggleswade Extension). It there appeared that in the notice published

in the *London Gazette*, the words "Hamlet of Newton" was omitted, together with the names of some other places. The committee were informed by a witness (a clerk in the *Gazette* office) that the error arose entirely from an omission on the part of the printer who went by the original instead of a corrected proof of the notice in question. Still, although the committee expressed themselves satisfied with the explanation thus given, they were obliged to report that the Standing Orders had not been in this particular complied with. In such an instance, however, the Standing Orders Committee would always, in all probability, give relief to the promoters and allow their bill ultimately to proceed. Yet much additional expense and loss of time must, at the best, result from such errors; and therefore it is most important that the utmost care should be used in this, and similar instances, of however trifling consequence they appear to be.

Variance between Notices in Gazette and Bill.

In the case of the Glasgow Harbour Grand Junction Railway Terminus, in sub-committee No. 5 (Feb. 26, 1846) an objection was raised in a petition from Sir J. Maxwell of non-compliance with the Standing Orders, on the ground that there was a discrepancy between the notice advertised in the *Edinburgh Gazette* and the bill proposed to be brought in. The notice set forth that the line was to commence from the Pollock and Gavan Railway and so proceed to Springfield, Windmill-croft, and Park-home; but the bill sought for powers to commence at Pollockshaws, and proceed by two branches, forming a fork to Glasgow harbour, one terminating at West-street and the other at Park-home, with a connecting line from the ends of the branches, the connecting line there being no notice for. The committee, however, decided that as the property affected by the connecting line did not belong to Sir J. Maxwell, the petitioner could not be heard; but afterwards the committee

themselves raised the question as to the discrepancy between the bill and the notice, and inquired what part of the notice referred to the connecting link? It appeared that no separate notice had been given for that, but three separate points of termination were mentioned in the notice, which were connected by this link, which were only a few yards in length, and it was contended that the connecting link might be regarded as the terminus. The chairman announced that the Standing Orders had not been complied with, inasmuch as there was a variance between the notice in the *Gazette* and the bill, no notice having been given in the *Gazette* of the construction of a connecting link of railway between the forked branches at Glasgow harbour, for which powers were proposed to be taken in the bill.

[NOTE to p. 31.]

Deposit of Plans, &c.

In the case of the Nottingham, Mansfield and Midland Junction Railway, the sub-committee on petitions No. 1 (Feb. 25, 1846) decided that the Standing Orders had not been complied with, inasmuch as the plans and sections had not been deposited, in one instance, until two o'clock in the morning of the 1st December, instead of on the 30th November.

[NOTE to p. 40.]

Ownership of Public Roads.

The following decision has been given this Session, in sub-committee No. 4 (Feb. 26, 1846), with regard to the ownership of public roads:—

In the case of the Wexford, Dublin, and Carlow Junction Railway, it was objected that a public presented county road, in the town-land of Killurin, was described to be in the

ownership of the Earl of Arran, whereas in fact it is a public road under the jurisdiction of the grand jury and road surveyor of the county of Wexford. All the allegations in this petition turned on the ownership of these roads, and whether in fact the right owners had been entered in the book of reference. Accordingly the 22nd allegation was taken as one on which the whole point might be decided. The chairman wished to know whether the point to be raised was, that the law in Ireland was different from that in England; or that the question had been settled as to the ownership of roads in England, and the committee was now called on to settle the point with regard to Irish roads. Mr. Smith (in support of the petition for the bill) said he was instructed that the persons here treated as the owners had actually received rent from the grand jury. The chairman—What is intended is, that the fee in the land is in certain other parties, but the public have a right of road. That comes to the state of English roads. There the property is not in the surveyors or trustees. A mine under the road does not belong to the trustees. The practice in England is to treat the ownership of the surface as that which entitles the parties to be served. The question is, whether there is anything which entitled you to take the Irish roads out of this condition. We cannot draw any distinction between the cases. If so, you ought to give notice to the persons in Ireland who answer the same description there as the surveyors of roads in England. Mr. M. J. O'Connell observed that, on looking over the book of reference, he found that in the county of Carlow the grand jury were inserted as owners. Mr. Smith—I have been speaking of a particular custom in Wexford. The chairman—As regards these allegations, we shall report that the Standing Orders have not been complied with, inasmuch as the grand jury of the county of Wexford have not been inserted in the book of reference, as owners of certain roads particularly specified. The committee decided accord-

ingly on this and some other allegations, that the Standing Orders had not been complied with.

[*Note to p. 57.*]

Objection to Subscription Contract.

Among the cases that have arisen this Session (1846) of objections to the Subscription Contract, the following one in sub-committee, No. 1 (23rd Feb.) on the Boston, Newark and Sheffield Junction Railway especially deserves notice, as the objection (being held valid) may be extensively urged in a vast number of instances, owing to the general and improper assumption of the title "Esquire" by persons who have no right to the same. Several objections were made (by the agents against the bill) on the grounds of the misnomer and misdescription of parties signing the subscribers' contract. Among those who were parties to this deed there were two who had described themselves in executing the contract, as "Esquires, of Hungerton-hall." It turned out that Mr. Gregory Gregory was the proprietor and occupier of Hungerton-hall, and was in the whole parish the only "esquire." The two individuals who had assumed the rank of esquire, and described themselves as of Mr. Gregory's property, were clearly proved to be two of his own menial servants (one of them being his cook). The committee held that the Standing Order (No. 32) was not complied with, as these parties to the deed were not correctly described.

[*Note to p. 58.*]

Subscription Contracts.

With respect to the Standing Order (40) which states that no subscription contract shall be held valid unless the parties thereto bind themselves, their heirs, executors, and administrators for the payment of the money subscribed, some dis-

cussion has arisen during the present Session (1846). In the case of the Ayrshire, Bridge of Weir and Port Glasgow Junction Railway petition, an objection was taken, before the sub-committee (No. 2) on petitions for private bills, to the contract, on the ground that the trustees therein named were also shareholders to the amount of a certain number of shares in the proposed company. On this point the committee came to a resolution, that the Standing Orders had *not* been complied with in that case. When Sir J. Y. Buller (Feb. 9th) presented that report to the House, Mr. Hodges called attention to the subject, and elicited the following opinion from the Attorney-General, after stating that the promoters of the bill had taken the opinion of the highest legal authority both on English and Scotch law, and had reason to believe that the decision of the committee was erroneous.

The Attorney-General said, the facts of the present case were briefly these :—The deed in question had been signed by parties who were themselves shareholders. These signers were trustees to the deed. These shareholders covenanted with the trustees for the payment of their respective subscriptions; and it had been held that it was not a valid document, inasmuch as these trustees were both covenanters and covenanteees. He had been informed that this fact of the trustees being shareholders themselves had been decided by the committee to invalidate the deed. Now, he held that they were entirely mistaken in this respect. The real question to be decided by them was not a point of law, but whether or not there had been a proper and valid compliance with the Standing Orders of the House of Commons. All that the Standing Orders required was, that the parties should bind themselves for the payment of the subscription money. It was alleged, in this case, that there was no remedy against defaulters in a court of law, inasmuch as parties could not sue themselves. But in a court of equity such an objection could not prevail. In equity the parties could be com-

pelled, by the deed alluded to, and more especially in the case of a Scotch company, and in a Scotch court, where no such distinctions arose between law and equity. His opinion then was, that in the present instance there was a full and strict compliance with the requisitions of the Standing Orders of that House.

Sir J. Y. Buller conceived that a decision had been arrived at in the course of the last year, on a subject of a similar nature, and the recent resolution of the committee he presided over had been influenced by that decision. The great point which weighed with them was that parties had no remedy in a court of law. On the next day, when sub-committee No. 2 again met, the chairman alluded to the decision of the Attorney-General. The Standing Orders not having, however, been complied with in other respects, the committee presented a report accordingly to the House.

Another question with regard to the subscription contract has been decided during the present Session (1846), viz., that *one* subscription contract would be sufficient, even where there were several projects and the promoters sought to obtain several bills. (Vide North British Extension Projects, and South Eastern Projects in sub-committee on petitions for private bills. H. C. Feb. 9th and 11th, Session 1846.)

[NOTE to p. 66.]

In all these instances, however, we believe the Standing Order Committee subsequently allowed the parties to proceed with their bills, notwithstanding their non-compliance with the Standing Orders of the House in this respect.

[NOTE to p. 67.]

Amount of Deposit required by the Standing Orders.

In the case of the Glasgow, Strathaven and Lesmahagan

(Sub-committee No. 5, Feb. 26, 1846), a question of great importance was raised, as to whether it is requisite to deposit one-tenth of the amount subscribed, or only one-tenth of the three-fourths of the estimate. Standing Order 29, it will be remembered, requires that "a subscription be entered into under a contract, made as hereinafter described to *three-fourths the amount of the estimate* ;" and the S. O. 39 a, requires that "*one-tenth part of the amount subscribed*" shall be deposited, &c. The committee decided that the Standing Orders had *not* been complied with, inasmuch as "one-tenth part of the amount subscribed" had not been deposited. As there was, however, a provision in the contract giving the company power to confine itself to certain works, and one-tenth of three-fourths of the estimate for the works had been deposited, the committee decided on reporting the same to the House.

[NOTE to p. 68.]

[*Deposits with the Accountant General.*]

The following are the Standing Orders of the two Houses with regard to the deposits requisite to be made with the Accountant General:—

(H. C.) 39 a, *One-tenth part of Amount Subscribed to be Deposited.*

"That previous to the presentation of a petition for a railway bill, a sum equal to one-tenth part of the amount subscribed shall be deposited with the Court of Chancery in England, if the railway is intended to be made in England; or with the Court of Chancery in England or the Court of Exchequer in Scotland, if such railway is intended to be made in Scotland; and with the Court of Chancery in Ireland, if such railway is intended to be made in Ireland: *Provided that the above order shall not apply to any railway bills which have been before Parliament during the present*

session (1845), and which may be again introduced in the next session (1846), or which are already provisionally registered, or the subscription contract for which may be already executed, or partly executed on the 29th of July : but with respect to such bills, a sum equal to one-twentieth of the amount subscribed shall be deposited as before provided."

The House of Lords Order (224 sec. 4) is as follows:—

Subscription Contract to contain Christian and Surnames of parties, &c., one-twentieth, and in the case of railway bills, one-tenth part of the amount subscribed to be deposited.—That every subscription contract shall contain the Christian and surname, description and place of abode of every subscriber, his signature to the amount of his subscription, with the amount which he has paid up, and the name of the party witnessing such signature, and the date of the same respectively ; and that, as respects all bills, except railway bills, it be proved to the satisfaction of the committee before whom the compliance with the Standing Orders shall be proved, that a sum equal to one-twentieth part of the amount subscribed, and as respects railway bills, a sum equal to one-tenth of the amount subscribed, has been deposited with the Court of Chancery in England, if the work is intended to be done in England, or with the Court of Chancery in England, or the Court of Exchequer in Scotland, if such work is intended to be done in Scotland, or with the Court of Chancery in Ireland, if such work is intended to be done in Ireland : Provided that the above order, so far as respects the sum of money to be deposited, shall not apply to any railway bills which have been before Parliament during the present session (1845) and which may again be introduced in the next session (1846); but with respect to such bills a sum equal to one-twentieth of the amount subscribed shall be deposited, as before provided in cases of bills other than railway bills." (See Act. 1 & 2 Vict. c. 117.)

Early in the present session (1846), however, the House of Lords (in accordance with a suggestion in the second report of their Lordships' Select Committee on Railways, presented Feb. 12th) agreed that such portion of the above Standing Order as requires a deposit of *one-tenth* of the amount subscribed, *should be suspended with respect to all such railway bills as shall commence in the House of Lords during the present session* (namely, Irish railway bills, and railway bills that compete with or ought to be considered in connection with any bills, the promoters of which shall prove themselves entitled to the privileges granted by the resolutions of the Lords of 7th July, 1845.) Their Lordships further resolved that no such railway bills shall be read *a first time* in this House unless a deposit of *one-twentieth* part of the amount subscribed should have been paid (on or before the 6th February); and that no such bills should be read *a third time*, until *a further deposit of one-twentieth part* of the amount subscribed should in like manner be paid.

It is unnecessary to point out the important relief afforded by these alterations in their Lordships' Standing Order.

[NOTE to p. 72.]

Signature to Petitions on Private Bills.

In the case of the Colchester and Stour Valley, Sudbury and Halstead Railway, this session (1846) an opposing petition came before the sub-committee on petitions (No. 1), to the reception of which the agent for the promoters objected, on the ground that it was neither signed by the parties whose names were attached, nor was there any proof of their being cognisant of the allegations contained in, or the presentation of the petition. A witness was, however, produced to show that the petitioners had given verbal instructions to attach their names to the petition; but the chairman (Mr. Strutt)

said, that the committee were not prepared to decide that the petition was valid, when the signature purported to be the signature of persons whose it was not. As the question was an important one, which involved the practice of the House, the honourable chairman consulted the Speaker on the subject, and the following day (Feb. 2nd) stated that the petition, not being signed by the parties whose signatures it purported to bear, could not be received. Thus, the petition was *rejected*, though the witness (as above described) showed that the petitioners had given verbal directions to attach their names to such petition.

[Note to p. 77.]

Proofs before Sub-Committee on Petitions.

On parties going before the sub-committee on petitions, a paper of proofs has to be handed in. This paper should be carefully prepared, showing fully what has to be established before such committee, and how the various points necessary to be proved are to be proved. One of these papers has to be handed over to the chairman of the committee; the other being retained by the agent for the bill.

The following is a copy of a "paper of proofs," showing all that has to be proved before a sub-committee, to show that the various Standing Orders of the House have been duly complied with, numerous witnesses having, according to circumstances, to be adduced for the purpose.

— RAILWAY.

Proofs of Compliance with Standing Orders.

A. B. produces the *London Gazettes*, dated respectively
the of October, or — November, of the year
 and of the day of
 and the day of
in the same year; and the newspapers enumerated in the
following table, containing the notice of the intention to

apply to Parliament for a bill authorising the construction of a railway.

County.	Name of Newspaper.	Dates	of	Publication.
—	—	—	—	—
—	—	—	—	—
—	—	—	—	—

Proves that such notices are copies, and that the counties enumerated in the foregoing table are the only counties to which the bill relates.

Proves that the notices specify the intention to obtain powers for the compulsory purchase of lands and houses, and also the intention to levy tolls, and to vary or extinguish any existing right or privileges affecting the lands to be taken.

That the notices contain the names of all the parishes, townships and extra parochial places in which the railway is intended to be made.

That they state the time and place of deposit of the plans, sections, and books of reference, with the several clerks of the peace and parish clerks.

Proves that the counties mentioned in that table are the only counties to which the bill relates.

Proves that the book of reference contains the names of all the owners or reputed owners, lessees, or reputed lessees and occupiers of the lands on the line and within the limits of deviation.

Proves that on or before the 31st December, 1845, they delivered personally to or left at the respective residences of the parties whose names are on the list now handed in by him, or with the agents of such of those parties as were absent

from the United Kingdom a written application in the form prescribed by the Standing Orders, and that such notices were so delivered between eight o'clock in the morning and eight o'clock in the evening, and not on Sunday or on Christmas-day.

Produces similar lists, and make a like proof.

Produces a list of those persons who have sent written acknowledgment of the receipt of the applications, and also produces those acknowledgments.

Proves that these lists altogether contain all the names of the persons mentioned in the book of reference, and that separate lists have been made of the names of the owners, lessees and occupiers, distinguishing which of them have assented, dissentied, or are neuter in respect to the undertaking.

Proves that in the lists deposited in the Private Bill Office all answers which have been received are correctly set forth.

Proves that the plans, sections and books of reference, deposited with the clerks of the peace, the Board of Trade, and in the Private Bill Office, are copies, and that those deposited with the parish clerks are copies of so much as relates to each parish.

That the plans are on a scale of inches to the mile, and that they describe the line or situation of the whole of the work and the lands in or through which the same and every communication to or from the same are intended to be made.

That the limits within which it is the intention of the company to apply for powers to make lateral deviations are defined upon the plan, and the lands within those limits are marked on the plan.

[The following proof is only necessary in case the plan is not on an enlarged scale throughout.]

That there is an additional plan of every building, yard,

court-yard or land within the curtilage of any building or of any ground cultivated as a garden, either on the original line or within the limits of deviation upon a scale of not less than a quarter of an inch.

That the sections are drawn to the same horizontal scale on the plan, and to a vertical scale of not less than inch to feet.

That they show the surface of the ground marked on the plan, and the intended level of the work.

That there is a datum horizontal line the same throughout the whole length of the work, and referred to a fixed point stated in writing on the section near the terminus, namely, [mention the datum point].

That the plan exhibits the distances in miles and furlongs from the terminus, and contains a memorandum noted in furlongs and chains of the radius of every curve not exceeding one mile in length.

That the line of railway marked upon the section corresponds with the upper surface of the rails.

That the distances from the terminus corresponding with those on the plan are marked on the datum line, That there is a vertical measure from the datum line to the line of the railway marked in feet and inches at each change of the gradient or inclination, and that the proportion or rate of inclination between each such change is also marked.

That the height of the railway over or under the surface of every turnpike-road, public carriage-road, navigable river, canal or railway, or a junction with a railway, and the height and span of every arch of all bridges and viaducts are marked in figures at every crossing, and the extreme height over or under the surface of the ground is marked for every embankment or cutting.

That any alteration intended to be made in the present rate of inclination of any turnpike-road, public carriage-road, or railway, is stated on the section and number, and

cross sections referring to the numbers are added on a vertical scale of —— inch to every —— feet.

That where tunnelling is intended to be adopted instead of open cutting, the tunnelling is marked by a dotted line on the plan, and is also marked on the section; and where viaducts are intended to be used as a substitute for solid embankment, the same are marked upon the section.

Proves that on (or before) the 30th Nov. last, witness deposited duplicate copies of the plan and sections, and a copy of the book of reference, with a copy of the extracts from the Standing Orders relating to deposits at the several offices of the clerks of the peace for—

Name of Witness.	County, Riding, or Division.	Place of Deposit.
—	—	—
—	—	—

Proves that the list which he produces and which is the same, and which he has just read, contains the names of all the counties, ridings, and divisions to which the bill relates.

Proves that he deposited copy of the plans, sections, and book of reference, on the 30th November last, in the office of the Railway Department of the Board of Trade, together with a published map upon a scale of not less than half an inch to a mile, with the line of the railway delineated thereon.

Proves that on or before the 31st December last, he deposited duplicate copies of the plans, sections, and books of reference, so far as relates to each parish, together with a copy of the extracts from the Standing Orders

relating to deposits, with the respective parish clerks of the parishes of—

Name of Witness.	Parish.
_____	_____
_____	_____
_____	_____

Proves that such parishes are the only parishes through which the works are intended to be made.

Proves that on (or before) the 31st December last, he deposited in the Private Bill Office a copy of the plans, sections, and book of reference.

That, previously to the presentation of the petition to the House, he deposited in the Private Bill Office a separate list of the owners, lessees, and occupiers, estimate of expense and copy of subscription contract.

That, previously to the presentation of the petition to the House, he deposited in the Private Bill Office, and the Railway Department of the Board of Trade, a copy of the bill annexed to the petition, and of the agent's declaration of the class and scope of the bill.

That he made a like deposit in the Private Bill Office.

Proves the signature to the estimate of the expense of the undertaking.

Produces the subscription contracts.

Proves that the following signatures attached to the subscription contracts as of witnesses to the execution thereof, are respectively of their handwriting, and that they attested the execution of the contracts by the parties to whose names their own are so attached.

Proves that the witnesses last called are the only witnesses

to the subscription contracts, and that every execution of the same has attached to it the attestation of one or other of those persons.

That the contracts contain the christian and surname, description, and place of abode of every subscriber, his signature to the amount of his subscription, with the amount which he has paid up, the name of the witness, and the date of the execution.

Proves that the subscriptions to the contract amount to three-fourths of the amount of the estimate.

That the undertaking was provisionally registered (or that the subscription contract was partly executed) before the 29th July, 1845.

Produces certificate of provisional registration.

That, previously to the presentation of the petition for the bill, a sum equal to one-twentieth part of the amount so subscribed was deposited with the Court of Chancery in England, and produces the certificate of such deposit.

That the contracts were entered into subsequently to the last day fixed in the last session of Parliament for presenting petitions for private bills, and that they bind the subscribers, their heirs, executors, and administrators, to pay the money respectively subscribed by them.

Proves that, previously to the presentation of the petition, he deposited printed copies of the subscription contracts in the Vote Office, with the names of the subscribers arranged in alphabetical order, and the amount of the deposits paid up respectively by each subscriber.

[For the House of Lords the following proof is required.]

Proves that all the parties named on the bill as subscribers or directors signed the petition for leave to bring in the bill.

Or in lieu of this proof:

Produces a copy of the bill as brought from the Commons signed by the subscribers and directors named in the bill.

The following persons prove that they affixed a copy of the notice on the outer doors of the Sessions houses previously to the commencement of business at the last Epiphany Quarter Sessions at the respective places mentioned in the following table.

Witness.	County.	Place where Sessions held, and Notices affixed.

Proves that the counties mentioned in that table are the only counties to which the bill relates.

[Note 2 to p. 77.]

The following extracts from the official records of the House of Commons this Session [March 3 & 10] are given as examples of conditions being imposed on promoters of bills by the Standing Order Committee, upon which they are allowed to proceed with such bills. These are extracts from reports of the Standing Orders Committee to the House :—

“That, in the case of the Exeter, Yeovil, and Dorchester Railway Petition, the Standing Orders ought to be dispensed with :—That the parties be permitted to proceed with their bill, on inserting a clause, restraining them from compulsorily taking the lands in respect of which the names of William Vickery, Richard Granger, John Chard, and William Hayman, were incorrectly inserted in the lists of assents to the bill.”

“That, in the case of the Manchester and Southampton railway petition, the Standing Orders ought to be dispensed

with :—That the parties be permitted to proceed with their bill, on inserting a clause restraining them from compulsorily taking a walled garden, omitted to be marked separately on the plan, but appearing to form part of a field, No. 46 a, in the parish of Appleshaw."

The House ordered, in respect of these two bills,—

"That the committees on this and the preceding bill do examine, in the first place, how far such Orders have been complied with, and do report the same to the House on the report of the bill."

Where a favourable report is obtained from the Standing Order Committee, and no conditions are imposed, the report is made to the House and entered on its official records in this form :—

"That, in the case of the Coventry, Nuneaton, Birmingham, and Leicester Railway Petition, the Standing Orders ought to be dispensed with :—That the parties be permitted to proceed with their bill."

"That, in the case of the Manchester and Leeds Railway Extensions Petition, the Standing Orders ought to be dispensed with :—That the parties be permitted to proceed with their bill."

"That, in the case of the Grand Trunk or Stafford and Peterborough Railway Petition, the Standing Orders ought to be dispensed with :—That the parties be permitted to proceed with their bill."

[*Vide* votes and proceedings H. C. March 3, 1846.] In such cases the House merely agrees to the resolutions of the committee and the parties are then permitted to proceed with their bills.

[NOTE to p. 78.]

The following are resolutions adopted this session (Feb. 17, 1846), with regard to the proceedings before the Select Committee on Standing Orders :—

"1. That the report of the sub-committee on petitions be held by the Select Committee on Standing Orders conclusive as to the fact of non-compliance with the Standing Orders.

"2. That the party praying that the Standing Orders be dispensed with, shall set forth in a written statement the grounds on which they rest their prayer; and that the opposing party shall also set forth in a written statement the grounds on which they rest their opposition; both parties confining themselves strictly to the points reported on by the sub-committee on petitions.

"3. That at the meeting of the committee both parties shall deliver in to the committee their written statements.

"4. That when the committee think fit, they shall hear the parties in explanation of their written statements, but that no party shall be allowed to travel into any matter that is not referred to in their statements.

"5. That where any petition for leave to present a petition for a bill is referred to the committee, no statements in relation thereto will be received.

"6. That this committee will not postpone the consideration of any report on a petition for a private bill, referred to them by the House, unless the agent for such petition shall attend and state the reasons that may exist for such postponement."

[Note to p. 82.]

The following Order has been made this session by the House of Commons (March 3, 1846), with regard to the several stages of bills privileged under the resolutions of the 7th July last:—

"That Standing Order No. 110, requiring that there be three clear days between the first and second reading of a private bill; and Standing Order No. 134, requiring three clear days' notice of a second reading to be given in the

Private Bill Office; and Standing Order No. 139, requiring one clear day's notice in the Private Bill Office of the day proposed for the report of every private bill, and also for the consideration of the report; and Standing Order No. 123, requiring the reports on railway bills to be discussed every Tuesday and Thursday; and Standing Order No. 142, requiring one clear day's notice of the third reading of a bill; and Standing Order No. 124, prohibiting any private bill from passing through two stages on the same day, be suspended with respect to all bills entitled to the privileges granted by the resolutions of the House on the 7th day of July last.

“That such bills may be read a second time on the day following the first reading of such bills.

“That the committees on such bills may report, and such report may be considered on the same day with that on which the committee sits.

“That such bills may be read a third time on the following day.”

[NOTE to p. 100.]

Classification of Railway Bills.

The classification committee, in their second report recommended that there should be added the following bills to group, No. 1, viz.:—Manchester and Lincoln Union Railway; and Chesterfield and Gainsborough Canal; Lynn and Ely Railway (Extension to March); Huntingdon and Wisbeach; Wisbeach, St. Ives and Cambridge, York and North Midland enlargement.

The following bills were also recommended to be added to Group No. 2, viz.:—Cornwall and Devon Central Railway (Hayle, Lelant, St. Austell and Bodmin branches); West Cornwall Railway.

[NOTE to p. 103.]

With regard to unopposed railway bills, before committees on railway groups or bills, the following resolution was this Session (Feb. 26, 1846) adopted by the House of Commons, on motion of Lord Granville Somerset :—That all select committees on railway groups or bills be empowered to refer (if they shall so think fit) to the chairman of ways and means, together with the members ordered to prepare and bring in each such bill, any unopposed railway bill submitted for their consideration, and that such bills be severally dealt with by the said chairman, and those members respectively acting with him, as other unopposed bills are to be dealt with.

[NOTE to p. 113.]

Division of a Railway Bill into two or more Bills.

The following are the official details of the splitting of the London and York Railway Bill into several Bills.

25th July, 1845.

The instruction of the House of the 24th July, “ That the committee have power to divide the London and York railway bill into two or more bills, in order that they may report, from time to time, on so much of the said bill as they may determine upon, and proceed separately with the consideration of the remainder thereof,” was read.

Motion made (*Mr. Poulett Scrope,*) “ That so much of the resolutions of the committee as relate to the amendment of the preamble of the London and York bill by the omission of the words ‘ Wakefield and Sheffield,’ and the passing of the preamble as amended, be rescinded.”

Amendment proposed, (*Mr. Darby*), To leave out all the words after the word “ That ” in order to insert these words :—



"The committee, after hearing the whole of the evidence on behalf of the London and York bill, and having, after an application made by the counsel for that bill, decided on the preamble with reference to a scheme of thorough communication between London and York, as compared with the competing scheme of the Direct Northern, the Cambridge and Lincoln, and Tottenham and Farringdon Street extension, do not feel themselves empowered to restore the branches which have been struck out of the London and York preamble, by dividing the London and York bill into two or more bills, in virtue of an instruction which they have received from the House."

Question put, "That the words proposed to be left out stand part."

Committee divided :

AYES (3).

Lord Courtenay.

Mr. Baring Wall.

Mr. Poulett Scrope.

NOES (1).

Mr. Darby.

So it was resolved in the *affirmative*.

The main question was then put and *agreed to*.

Motion made (*Mr. Pollett Scrope*)—"That the chairman be instructed to inform the parties that the committee, having received from the House an instruction empowering them to divide the London and York bill into two or more bills, in order that they may report from time to time on so much of the said bill as they may determine upon, and proceed separately with the remainder thereof, having found it necessary to rescind so much of their proceedings as relate to the amendment of the preamble of the London and York by the omission of the words 'Wakefield and Sheffield,' and the passing of the preamble, as amended, in order to place themselves in a position to carry that instruction into effect, the

committee require that the parties will take immediate steps to carry the objects contemplated by the instruction into effect."

Question put.

The committee *divided*:

Ayes (3).	Nos (1).
Lord Courtenay.	Mr. Darby.
Mr. Baring Wall.	
Mr. Poulett Scrope.	

So it was resolved in the *affirmative*.

Parties were called in and informed of the resolutions of the committee.

The resolutions of the previous day, with respect to the clauses of the bill, were reconsidered and rescinded.

The committee adjourned for a short time in order to enable the parties to divide the bill, in accordance with the resolution of the committee.

On the committee again meeting,

Mr. Paget, on behalf of the London and York company, submitted the first bill, with which they proposed to proceed for the formation of a railway from London to York, excluding the Wakefield and Sheffield branches.

The preamble was read and *agreed to*.

The committee proceeded with the clauses of the bill, &c.

[NOTE to p. 119.]

This section of the Order has been rescinded this Session by a Resolution of the House of Commons, adopted March 5, 1846, on motion of Mr. Greene (chairman of the committee of Ways and Means). The following is the Resolution of the House:—

Railway bills,—Paragraph 20, of the Standing Order, No. 87, read, as follows:—"That in the case of a railway bill, the committee report specially:—

Whether the calculations proved in evidence before the committee have satisfactorily established, that the revenue is likely to be sufficient to support the annual charges of the maintenance of the railway, and still allow profit to the projectors."

and *repealed*.

Paragraphs 7, 8, and 9, had been previously repealed.

[NOTE to p. 121.]

The following extract from the official records of the House of Commons, (Sep. 1845) is given, as showing (better than any description could possibly do) the mode of procedure and the course of preliminary arrangements in any committee on railway bills, to which various competing lines have been referred. The example chosen is that of the select committee on group (X) of railways, comprising,—

1. LONDON AND YORK.
2. CAMBRIDGE AND LINCOLN.
3. DIRECT NORTHERN (No. 2).
4. EASTERN COUNTIES (CAMBRIDGE AND HUNTINGDON).
5. EASTERN COUNTIES (ELY AND WHITTLESEA).
6. EASTERN COUNTIES (HETFORD AND BIGGLESWADE).
7. MIDLAND RAILWAYS EXTENSION (SWINTON AND LINCOLN).
8. MIDLAND RAILWAYS EXTENSION (LINCOLN AND ELY).
9. SHEFFIELD AND LINCOLNSHIRE JUNCTION.
10. YORK AND NORTH MIDLAND AND DONCASTER EXTENSION.
11. TOTTENHAM AND FARRINGDON-STREET JUNCTION.

Proceedings of the Committee.

LONDON AND YORK RAILWAY.

The following petitions were referred to the committee:—
Corporation of Doncaster.

E. J. Copley.

A. Batson.

Bawtry and Selby Turnpike road Trustees; &c. &c.

CAMBRIDGE AND LINCOLN RAILWAY,

The following petitions were referred to the committee :—

Cambridge and Ely Road Trustees.

Cambridge and Newmarket-road.

Commissioners of Middle Level.

Lord Willoughby de Broke.

Bourne and Boston Drainage.

Lincoln Heath and Peterborough Road (Eastern District) &c. &c.

EASTERN COUNTIES (CAMBRIDGE TO HUNTINGDON).

The following petitions were referred to the committee :—

Cambridge and Ely Road Trustees.

Bury and Stratton Road trustees.

Middle Level Drainage.

EASTERN COUNTIES (ELY AND WHITTLESEA).

The following petitions were referred to the committee :—

Middle Level Drainage.

Bedford Level.

EASTERN COUNTIES (HERTFORD AND BIGGLESWADE).

The following petitions were referred to the committee :—

Baron Dimsdale.

Owners, &c.

Lord Dacre.

Hertford, Mayor, &c.

Watton Road Trustees.

MIDLAND RAILWAYS (SWINTON TO LINCOLN).

The following petitions were referred to the committee :—

Gainsborough Bridge.

Tinsley and Doncaster Road.

Trent Navigation.
Owners (two petitions).
R. Ellison.
Everton Commissioners.
R. F. Wilson.
Dun River.
Sir J. Copley.

MIDLAND RAILWAYS (ELY TO LINCOLN).

The following petitions were referred to the committee :—
Middle Level Drainage.
Bedford Level.

SHEFFIELD AND LINCOLNSHIRE RAILWAY.

The following petitions were referred to the committee :—
Sir William Ingleby.
Earl Fitzwilliam.
Trent Navigation Company.
Sheffield Canal Company.

YORK AND NORTH MIDLAND RAILWAY.

The following petitions were referred to the committee :—
Aire and Calder Navigation Company.
Dun Navigation Company.

Members present.

Lort Courtenay in the chair.

Mr. Darby.	Mr. Poulett Scrope.
Mr. McGeachy.	Mr. Baring Wall.

The titles of the bills and projects referred to the committee were read, as follows :—

LONDON AND YORK RAILWAY.

Mr. Serjeant Wrangham, Mr. Serjeant Kinglake, Mr. Paget, Mr. Dennison, and Mr. Adams appeared as counsel for the bill.

Messrs. Dyson, Hall, and Co. as Agents.

LINCOLN, YORK, AND LEEDS RAILWAY DIRECT.
No person appeared in support thereof.

CAMBRIDGE AND LINCOLN RAILWAY.

Mr. Hildyard, Mr. Lee, and Mr. Webster, appeared as counsel for the bill.

Messrs. Jones and Walmisley as Agents.

DIRECT NORTHERN RAILWAY.

Mr. Cockburn, Mr. M. Smith, Mr. Webster, and Mr. Cowan appeared as counsel for the project.

Messrs. Webster and Co. as Agents.

EASTERN COUNTIES (CAMBRIDGE AND HUNTINGDON).

EASTERN COUNTIES (ELY AND WHITLESEA).

EASTERN COUNTIES (HERTFORD AND BIGGLESWADE).

Mr. Austin, Mr. Talbot, Mr. Hildyard, and Mr. M. Wells appeared as counsel for the bill.

Messrs. Dorington, Hayward, and Co. as Agents.

EASTERN COUNTIES (FINSBURY EXTENSION.)

EASTERN COUNTIES (ELY AND LINCOLN).

No person appeared in support thereof.

MIDLAND RAILWAYS EXTENSION (SWINTON AND LINCOLN).

MIDLAND RAILWAYS EXTENSION (LINCOLN AND ELY).

Mr. Austin, Mr. Talbot, Mr. Hildyard, Mr. Barber, and Mr. Currey appeared as counsel for the bill.

Messrs. Burke, Pritt, and Co. as Agents.

**ROtherham, Bawtry, and Gainsborough Junction
Railway.**

No person appeared in support thereof.

SHEFFIELD AND LINCOLNSHIRE JUNCTION RAILWAY.

Mr. Hope, Mr. Phillimore, and Mr. Webster appeared as counsel.

Messrs. Burke, Pritt, and Co. as Agents.

**YORK AND NORTH MIDLAND AND DONCASTER RAILWAY
EXTENSION.**

Mr. Austin, Mr. Talbot, Mr. Hildyard, and Mr. Hope appeared as counsel for the bill.

Messrs. Burke and Co. as Agents.

TOTTENHAM AND FARRINGDON STREET JUNCTION RAILWAY.

Mr. Hildyard, Mr. Lee, and Mr. Webster appeared as counsel:

Mr. Joseph Parkes as agent.

The petitions against the several bills and projects referred to the committee were read.

In the case of the petitions against—

THE LONDON AND YORK RAILWAY BILL,

Messrs. Dorington and Co. appeared on the petitions of—
Nathaniel Hibbert.

George Houindsfield.

Middle Level Drainage Commissioners.

Trustees of the Small Pox Hospital.

Manchester and Leeds Railway Company.

Messrs. Webster and Co. appeared on the petitions of—

Inhabitants of South Mimms.

Robert Duckle.

William Arnold.

John Fretwell and others.

Richard Coupland and others.

Gainsborough Bridge Trustees.

Messrs. Browne appeared on the petitions of —

Henry Hawkes and others.

Everton Drainage Commissioners.

Deeping Fens Commissioners.

Spalding and Deeping Road Trustees.

Earl of Rosslyn and others.

Messrs. Burke and Venables appeared on the petitions
of —

J. J. Smyth.

Owners on the line of the projected Great Northern Railway.
Landowners of Hornsey.

Owners and Occupiers.

Sir Mordaunt Milner.

Counsel, Mr. Pickering and Mr. Crowder.

Lord Beaumont.

Aire and Calder Navigation Company.

Bedford Level Commissioners.

Imperial Gas Light Company.

Archbishop of York.

Messrs. Dyson, Hall, and Parkes appeared on the petitions
of —

John Thorpe and others.

Trent River Proprietors.

Rev. Mr. Strong.

Mr. Hyde appeared on the petition of —
The Duke of Somerset.

Messrs. Jones and Walmisley appeared on the petitions
of —

J. H. Green and others.

Messrs. Dunn and Co.

Messrs. Bulmer and Stride appeared on the petition of —
The Bourn and Boston Drainage Commissioners.

Messrs. Parratt and Walmisley appeared on the petitions
of —

The Countess of Scarborough.

The Earl of Scarborough.

Mr. Joseph Parkes appeared on the petitions of —

Lord Dacre.

Sir Lytton Bulwer Lytton.

Messrs. Wilde and Co. appeared on the petition of—
St. Bartholomew Hospital.

Mr. Wing appeared on the petition of—
The Earl of Lindsay.

Messrs M'Dougall appeared on the petition of—
J. S. R. Clarke.

In the case of the petitions against the Cambridge and Lin-
coln Railway,

Messrs. Dorington and Co. appeared in support of the
petition of—

The Middle Level Drainage Commissioners, and of
The two petitions of the Rev. F. W. Sibthorp.

Messrs. Dyson and Co. appeared in support of the petitions
of—

Christopher Pemberton.

The Proprietors of the Witham Navigation.

Messrs Burke and Co. appeared in support of the petition
of—

The Bedford Level Commissioners.

In the case of the petitions against the Direct Northern
Railway,

Messrs. Burke, Pritt and Co. appeared in support of—
The petition of the Directors of the Aire and Calder
Navigation.

Messrs. Browne appeared in support of the petitions of—
The River Dun Company.

The Stainforth and Keadley Canal Company.

R. Pearson and others.

Messrs. Dyson and Co. appeared in support of the petitions
of—

Owners of land in Hatfield Chase.

Richard Ellison.

J. Hatfield Gossip.

In the case of the petitions against the Eastern Counties Railway (Cambridge and Huntingdon),
No person appeared in support of any of the said petitions.

In the case of the petitions against the Eastern Counties Railway (Ely and Whittlesea),
Mr. Wells appeared as counsel for the petition of—
The Bedford Level Commissioners.
Messrs. Burke, Pritt and Co. as agents.

In the case of the petitions against the Midland Railways Extension (Swinton to Lincoln),
Messrs. Webster appeared in support of the petition of—
Proprietors of Gainsborough Bridge.
Messrs. Dyson and Co. appeared in support of the petitions of—
Sir John Copley.
Richard Ellison.
The Proprietors of the Trent River Navigation.

Messrs. Browne appeared in support of the petitions of—
The Everton Drainage Commissioners.
The River Dun Company.
John Fullerton and others.

Messrs. Shearman and Evans appeared in support of the petition of R. Fountayne Wilson.

In the case of the Midland Extension (Ely and Lincoln),
Messrs. Dorington and Co. appeared in support of the petition of—
The Middle Level Drainage Commissioners.
Messrs. Burke, Pritt and Co. appeared in support of the petition of—
The Bedford Level Drainage Commissioners.

In the case of the petition against the Eastern Counties Railway (Hertford and Biggleswade),
Messrs. Webster appeared in support of the petition of—
The Corporation of Hertford.

Messrs. Dyson and Co. appeared in support of the petition of—

Owners on the line.

Messrs. Parratt and Walmisley appeared in support of the petition of—

Baron Dimsdale.

Mr. Joseph Parkes appeared in support of the petition of—

Lord Dacre and others.

In the case of the petition against the Sheffield and Lincolnshire Junction Railway,

Messrs. Dorington and Co. appeared in support of the petition of—

The Sheffield Canal Company.

Mr. Lang appeared in support of the petition of—
Earl Fitzwilliam.

Messrs. Dyson and Co. appeared in support of the petition of—

The Trent Navigation Proprietors.

In the case of the York and North Midland, and Doncaster Railway Extension,

Messrs. Browne appeared in support of the petition of—
The River Dun Company.

Messrs. Shearman and Evans appeared in support of the petition of—

The Aire and Calder Navigation Directors.

In the case of the petition against the Tottenham and Farringdon Street Junction Railway,

No person appeared in support of any of the said petitions.

Parties were informed that the committee would require every petitioner against any of the bills or projects before the committee now to enter an appearance if they proposed to proceed with their case in opposition to the bill, and any petitioner failing to do so would not be permitted to appear at any subsequent stage of the proceedings.

The room was cleared.

The parties were called in, and counsel having stated, in answer to a question from the chairman, "Whether parties had agreed as to the order of precedence in which the several bills and projects should be proceeded with," that it was the general wish that the Ely and Whittlesea deviation, being virtually unopposed, should be first considered.

The room was cleared.

The committee deliberated and resolved, "That the Ely and Whittlesea should be first proceeded with, and, with regard to the other bills and projects to group in one class, the London and York Railway, Cambridge and Lincoln Railway, Direct Northern Railway, the two Midland Railways Extension, the Sheffield and Lincolnshire, the York and North Midland (Doncaster Extension), and the Tottenham and Farringdon Street Junction Railway; and that that class should be next proceeded with."

That the London and York Line be first taken into consideration. Parties were called in and informed thereof.

Counsel applied to the committee to include the Eastern Counties (Hertford and Biggleswade) in the first sub-group.

The committee deliberated, and decided against the application.

The committee then proceeded with—

THE EASTERN COUNTIES (ELY AND WHITTLESEA) BILL.

Mr. Wells stated, on behalf of the Bedford Level Corporation, that he had no opposition to offer to the passing of the preamble.

Mr. Hildyard stated the case in favour of the bill, and called the following witnesses in proof of the preamble, and the matters required to be examined into by committees on railway bills:—

Mr. Borthwick and Mr. Mills.

The preamble was read and *agreed to*.

Adjourned till *to-morrow*, at twelve o'clock.

Martis, 29^o Die Aprilis, 1845.

MEMBERS PRESENT.

Lord Courtenay in the chair.

Mr. Darby. Mr. Poulett Scrope.

Mr. McGeachy. Mr. Baring Wall.

The committee went through the clauses of the bill, paragraph by paragraph, made amendments, and added clauses.

The committee considered and agreed to their report.

Ordered, That the Bill, as amended, be reported to the House.

The committee then proceeded to the consideration of the first sub-group, commencing with the—

LONDON AND YORK BILL.

The petitioners against the bill were required severally to state whether they opposed the preamble of the bill, and if so give in the names of their respective counsel.

Mr. Crowder and Mr. Pickering stated that they appeared against the preamble on behalf of Sir William M. Milner, a petitioner against the bill.

The agents for the remaining petitions stated that they did not at present appear further in opposition to the bill.

Mr. Serjeant Wrangham then proceeded to state the case in favour of the bill, &c., &c.

[NOTE to p. 140.]

Petitions in Opposition to a Bill.

The subject of opposition to a railway bill in committee, perhaps, will be well illustrated by the following extract from the official records of the House of Commons, last Sessions, being that portion of the report of the select committee on the Cornwall railway bill relating to the petitions against that bill that had been referred to the said committee. A perusal of the descriptions given of the several petitions so presented, and the proceedings adopted thereon, will, it is presumed, after what has been said with respect to opposition to railway bills in committee thereon, be a useful and suggestive illustration and explanation of the subject. The report on the above-mentioned railway bill has been selected, only because the opposing petitions are numerous and unusually varied in character:—

Twenty-third. That the following petitions were referred to the committee, viz:—

A petition from Sir Samuel Thomas Spry, Knt., M.P., alleging that the railway would pass through and injure his residence and property.

Agents appeared in support of this petition, and clauses were inserted for the protection of the petitioner.

A petition from the chairman of a meeting of inhabitants of Torpoint, alleging that the tolls of the Torpoint Steam Boat Ferry should be revised, and greater convenience secured to the public.

No parties appeared in support of this petition, but clauses were inserted in the bill which will remedy the grounds of the petitioners' complaint.

A petition of Benjamin Sampson and Richard Lenyon, alleging that the railway would pass through a portion of their gunpowder magazines and works, which would render

the construction and working of the railway dangerous, and injure the petitioners, and suggesting a deviation of the line.

No parties appeared in support of this petition.

A petition from the inhabitants of Camborne, alleging that the proposed bill would be injurious to the interests of the petitioners, and to that of the inhabitants of the centre and north of the counties of Devon and Cornwall.

No parties appeared in support of this petition.

A petition from Lord Vivian, alleging that the construction of the railway would interfere with the privacy of his seat at Glynn.

Counsel appeared in support of this petition, but an arrangement was subsequently entered into with the petitioner.

A petition from Martha Rashleigh, alleging that the railway would greatly injure her residence and property, and suggesting the adoption of an alternative line.

No parties appeared in support of this petition.

A petition of Thomas Somers Cocks and others, as owners of the fee of the ferry between Torpoint and New Passage, alleging that the powers sought by the bill to purchase the ferry would prejudice their interests.

Agents appeared in support of this petition, and it was stated to the committee that an arrangement satisfactory to the petitioners had been entered into.

A petition from the inhabitants of Penzance, alleging that the railway does not give accommodation to the north part of Cornwall.

No parties appeared in support of this petition.

A petition from Edward Rose Tunno, alleging that the line of railway between Lostwithiel and St. Austell does not accommodate Charlestown, and that the adoption of the alternative line would be prejudicial to the petitioners' interests.

Agents appeared in support of this petition; but the opposition was not persevered in.

A petition from Christopher Henry Thomas Hawkins, alleging that, unless a communication were made between the railway and the Pentuan railway, the local traffic between St. Austell and Pentaun would be interrupted, and the petitioner's interest prejudiced.

Counsel appeared in support of this petition; but the opposition was not persevered in.

A petition from the Earl of St. Germans, alleging that the bill contained no sufficient provisions for compensating the petitioner for the loss and injury which he would sustain for being compelled to sell his property.

Agents appeared in support of this petition; but the opposition was not persevered in.

A petition from John Pool, alleging that, in the event of power being given to the Cornwall Railway Company to rent or purchase the West Cornwall Railway, provisions may be introduced into the bill preventing them from altering the guage of the Hayle Railway.

No person appeared in support of this petition.

A petition from Richard Thomas, alleging that the proposed railway would injure the residence and grounds of the petitioner, cross many turnpike-roads and highways on the level, to the danger of the public; that its gradients were steep; that it had many curves of small radius; that certain roads would be altered, and made steep and dangerous; that it crossed many navigable creeks in such a manner as to obstruct their navigation; that a better and shorter line of railway might be made for connecting the traffic of Devon and Cornwall with the Western railways; that the estimate and subscription are insufficient; that the subscription for a certain number of shares by the Western Railway Companies was not a bona fide subscription; that in the plans deposited in the Private Bill Office, and with the Railway Department

of the Board of Trade, the gradients of the proposed railway were marked of a more favourable character than they really are, and that certain statements in the report of the Board of Trade are erroneous.

Counsel were heard in support of this petition, and evidence at considerable length gone into.

The following petitions were presented to the House, and referred to the committee after the time allowed by the Standing Orders for the presentations of petitions against private bills, and the petitioners could not therefore be heard before the committee:—

A petition from John Beer, alleging that greater ferry conveniences should be secured to the inhabitants of Torpoint.

Petitions from electors of the Eastern Division of Cornwall and of Bodmin residing or holding qualifications in Helland;—from Mr. Mitchell;—from the Guardians of the Bodmin Union;—from the electors of the Eastern Division of Cornwall residing or holding qualifications in St. Kew;—in St. Tudy;—in Blisland;—in St. Columb Major;—in St. Issey;—in Egloshayle;—in Padstow;—in Simonward;—in St. Breock;—in St. Mabyn;—in Endellion;—in Michaelstow;—in Little Petherick;—in St. Minver;—in Withiel;—in St. Ewan;—in St. Merryn;—in St. Wenn;—in Bodmin;—in St. Eval;—Landowners and others in Lifton;—Elected of the Eastern Division of Cornwall residing in Warleggan;—St. Teath;—Cardinham, in favour of a central line through Devon and Cornwall.

A petition of the Liskeard and Looe Union Canal Company, alleging that the mode of dealing with the Liskeard and Carydon Railway, as proposed by the bill, would be prejudicial to the interests of the petitioners.

Counsel stated to the committee that an arrangement satisfactory to the petitioners had been entered into.

A petition of shareholders and promoters of and in a

scheme for the construction of a line of railway through the centre of Devon and Cornwall called "The Devon and Cornwall Central Railway," praying to be heard before the committee in support of their scheme.

Counsel tendered an appearance in support of this petition.

A petition of members of a provisional committee for the promotion of a scheme for a railway through the centre of Devon and Cornwall, to be called "The Great West of England Railway," praying to be heard before the committee in support of their line.

Counsel tendered an appearance in support of this petition.

A petition from the inhabitants of North Tawton, in favour of a central Devon and Cornwall line.

A petition of the chairman of a meeting of adventurers in Charlestown United Mines, alleging that the alternative line would be prejudicial to their interests.

Petitions from inhabitants of North Tawton;—St. Columb;—Lifton;—Bodmin;—Wadebridge;—and Mawnan, alleging that the passing of this bill would obstruct the carrying into effect any better system of railway communication through the counties of Devon and Cornwall.

Mr. Macaulay further reported from this committee, That the Order of the House of the 13th March had been complied with; and that they had examined the allegations of the bill, and found the same to be true; and had gone through the bill, and made several amendments thereunto.

CHAPTER II.

THE ORDER OF PROCEEDINGS IN THE HOUSE OF LORDS.

THE proceedings in the House of Lords are, in many respects, very similar to, and in some exactly the same as those in the House of Commons, upon private bills. It will not, therefore, require the length in describing the stages through which such bills pass in the Upper House of Parliament, that has been devoted to detailing their progress through the Commons.

A large proportion of the Standing Orders of the House of Lords (consisting of the first 214 orders, excepting Nos. 198, 210, and 211) relate more particularly to "Private Bills," properly and strictly so designated,—namely, the four classes of bills (estate, name, naturalization, and divorce bills) that usually originate in that House; while other private bills (as has been before stated) have always hitherto been introduced first into the Commons, though a different practice has been arranged *this session* (1846) owing to the great

pressure of private business from the unexampled number of railway schemes submitted to Parliament, and which led to the adoption by the House of Commons of resolutions permitting the introduction of certain railway bills into the House of Lords, contrary to previous practice. (See chapter on "Special Practice for this Session" 1846.)

The Lords' Standing Orders for 219 to 234 refer more especially to local and personal bills that pass the other House before they are sent to the peers. Thus, though the term "Private Bill" is applied alike to all the above-enumerated bills, there is really a broad distinction between the several classes.

The whole of the Standing Orders of the House of Lords (as well as those of the Commons) being printed from the official copies in the Appendix to this volume, the following abstract of the Lords' orders that differ from those already described in the preceding pages, relates alone to railway and other private bills of the *second class*.

First Reading.

All bills of this class hitherto originated in the House of Commons; and having been read a third time, and passed there, they were forwarded to the House of Peers. As previously stated, however, certain *railway* bills have been allowed,

this session, (by resolutions *temporarily* changing the Standing Orders and practice of Parliament in this respect) to be commenced in the House of Lords. Still as this is but a temporary alteration, the following particulars relate to the practice of the House of Lords, according to its *existing Standing Orders*, the special practice for the present session (1846) being fully described in a subsequent portion of this volume.

The bill, being thus sent up from the House of Commons, is usually read a first time by the Lords the same night, or the night after, no preliminary steps being requested, as in the other House of Parliament, and no notice being necessary of this first stage in the above-mentioned cases.

After the first reading of the bill, and before any further proceedings thereupon, it is required (by resolutions adopted by the House of Lords, 3rd July, 1845, but not added to their Lordships' Standing Orders) that "after any road, or canal, or railway, or dock bill, shall be read a first time, and before any further proceedings thereupon, there be deposited in the office of the clerk of the Parliaments a statement of the length and breadth of the space which is intended or sought to be taken for the proposed works, and to give up which the consent of the owners of the land has not been obtained, together with the names of such owners, and the heights above the surface

of all proposed works on the ground of each such owner."

Likewise, that "a return shall also be presented at the same time of the names of the owners or occupiers of any houses situated within 300 yards of the proposed works, who shall have, before the 31st December preceding the introduction of the bill into Parliament, deposited written objections to the said railway with any public officer appointed to receive the plans of the said railway within the parish or township in which their property is situate, or if the railway should not be proposed to be carried through that parish or township, in the one in which the railway is to pass, in the manner objected to by the above-mentioned parties."

If those orders of their Lordships' House have been duly attended to, the bill is referred to the Standing Order Committee.

A copy of all railway bills, as brought into the House, has to be deposited in the office of the Railway Department of the Board of Trade.
(H. L. 227, sec. 2.)

Lords' Committee for Standing Orders.

At the commencement of each session, a "Standing Order Committee" is appointed, consisting of forty peers, in addition to the chairman of the committees of the House of Lords, who, *ex officio*,

is chairman also of this Standing Order Committee. Three of the Lords so appointed, including the chairman (at the present time the Earl of Shaftesbury) form a quorum. *Three clear days'* notice has to be given of the meeting of such committee on any private bill. (H. L. 219, sec. 2, 3, and 7.)

Before the second reading of any bill relating to railways included in the second class of bills, (excluding any bill to continue or amend an Act passed for forming a railway, and where no further work than such as was authorised by that former Act, is proposed to be made) and previously to the meeting of the committee on any opposed bill included in any of the three classes (except bills for such railways as aforesaid) such bill has to be referred to the Standing Order Committee, before which compliance with the Standing Orders of the House required to be proved before that committee, must be shown to have been made. (H. L. 219, sec. 4.)

This committee unites in itself the powers and duties of a sub-committee on petitions, and the Standing Order Committee of the House of Commons.

If any petition have been presented to the House, complaining of non-compliance with their Lordships' Standing Orders, such petition is referred to this committee, and parties are then at liberty to appear thereon, and to be heard by

themselves, agents, and witnesses, provided that the matter so complained of be specifically stated in the petition, and that such petition be presented *on or before the second day* after the introduction of the bill into this House. (H. L. 219, sec. 5.)

All persons applying to any Lord to present any petition in favour of, or against any railway or other bill, must indorse on the back of such petition the name or short title of the bill to which such petition relates. (This is requisite in pursuance of a resolution of the House of Lords, agreed to 12th June, 1845.)

Some surprise was felt upon the first meeting this session of their Lordships' Standing Order Committee, when it was announced that the committee would not be open, the ground of such decision being stated to be the want of sufficient accommodation in the room at present devoted to such purposes. This, therefore, is a temporary preventive of the publicity of the committee's proceedings; and, consequently, it cannot be regarded as likely to be the rule, when the alleged cause of the exclusion of strangers shall have ceased to exist, by sufficient and ample space being afforded in the new Parliamentary buildings.

Any proprietor of a company already constituted by Act of Parliament applying for power to execute any work other than that for which it was originally established, and who dissented at the meeting of proprietors to whom the draft of

the proposed bill was submitted, may, on petitioning the House, be heard by himself, his counsel, or agents and witnesses, before this committee, or the committee on the bill. (H. L. 234, sec. 2.) [At the same time great latitude is granted to all persons having an interest in the premises to appear, although not within this rule.]

This committee has to report whether the Standing Orders have been complied with. If it appear to the committee that they have not been duly attended to, they have to state the facts upon which their decision is founded, and any special circumstances connected with the case, together with their opinion as to the propriety of dispensing in that instance with any of the Standing Orders that have not been complied with. (H. L. 219, sec. 6.)

Three clear days' notice must be given of the first meeting of such committee. (H. L. 219, sec. 7.)

What must be proved before this Committee.

In all bills for railways included in the second class (and in any other bill included in any of the three classes that may be opposed), proof must be given before the Lords' Standing Order Committee (and before the committee on the bill in other instances, of unopposed bills) that,—1st, Notices have been given of the intended applica-

tion for a bill ; and that (2nd), Such notices have been published in three successive weeks in *October* and *November*, or either of them, immediately preceding the session in which the application is to be made, in the London, Edinburgh, or Dublin Gazette, as the case may be ; and in some one and the same newspaper of the county in which the city, town, or lands to which such bill relates shall be situate, or, if there be no newspaper published therein, then in the newspaper of some county adjoining or near thereto. (In case there are no lands required for the object, and no local position, the House has relaxed this order. Proofs could be adduced ; but they do not appear necessary.)—3. That the notices have stated the intention of the parties to apply for powers for the compulsory purchase of lands or houses, or to levy tolls, rates, or duties, or to confer, vary, or extinguish any exemptions from payment of tolls, rates, or duties.—4. That on or before the 31st December immediately preceding the application to Parliament, application in writing (in the form as near as may be set forth in the Appendix marked A*) has been made to the owners, or reputed owners, lessees or reputed lessees, and occupiers, either by delivering the same personally, or leaving the same at their usual place of abode, or in their absence from the United Kingdom,

* See Appendix, p. 96.



with their agents respectively, of which application the production of a written acknowledgment by the party applied to shall, in the absence of other proof, be sufficient evidence; and that separate lists have been made of such owners, lessees, and occupiers, distinguishing which of them have assented, dissented, or are neuter in respect thereto. (A distinction should be observed here with regard to trustees who have no power to act. The *cestui que trust* not being called on, consequently the Standing Order is in such instances inoperative, and the return "Neuter" is generally given.)—5. That, in the case of a bill to empower any company already constituted by Acts of Parliament to execute any work other than that for which it was originally established, such bill shall not be allowed unless the committee on Standing Orders, when such bill shall be referred to that committee, or unless the committee on the bill, when the compliance with the Standing Orders is to be proved before such committee, shall have specially reported,—

1. That a draft of the proposed bill was submitted to a specially summoned meeting of the proprietors of the company.—2. That such meeting was called by advertisement, inserted for four consecutive weeks in the newspapers of the county or counties, wherein such new works were proposed to be executed, or of the nearest county in which a newspaper is published.—3. That such

meeting was held not earlier than seven days after the last advertisement; and, 4, That at such meeting the draft of the bill was submitted to the proprietors, and approved by at least three-fifths of them. (H. L. 220.)

By Standing Order 223 it has to be proved before the Standing Order Committee:

1. That all the notices contain the names of parishes, townships, townlands, and extra-parochial places, from, in, through, or into which the work is intended to be made, &c., and state the time and place of the deposit of plans, &c., with clerks of peace, &c., as the case may be.

2. That all the notices have been affixed on the doors of sessions-house of every county, riding, or division, in or through which the work is to be made, &c., at the Michaelmas or Epiphany General Quarter Session of the Peace preceding the session in which application is intended to be made. [In the case of bills relating to Scotland, however, the notices must be proved to have been placed on the church-doors of the parish or parishes, in or through which the work is to be made, &c.]

3. That a plan and duplicate (on a scale of not less than four inches to a mile) have been deposited for public inspection, at the office of the clerk of the peace of every county, &c., in England, or Ireland, or of the principal sheriff-clerk of every county in Scotland, in or through

which the work is proposed to be made, &c., on or before the 30th of November, immediately preceding the session of Parliament in which application for the bill is made.

4. That (where application is made for powers to make any lateral deviation from the line of the proposed work,) the limits of the deviation are defined, or the plan and all lands included in such limits are marked thereon. Further, that buildings, &c., are on the enlarged scale of a quarter of an inch to every hundred feet.

5. That the section is drawn to the same horizontal scale as the plan, and to a vertical scale of not less than one inch to every hundred feet, &c.

6. That the clerks of the peace, sheriff-clerks or deputies, have endorsed a memorial in writing on the plans, sections, and books of reference deposited with them, stating the time they were so deposited. (These plans are "at all seasonable hours of the day" to be open to be viewed, examined, or copied; and one of the two plans and sections so deposited is sealed up and retained until called for by order of one of the two Houses of Parliament, according to Act 1 Vict. c. 83.)

7. That, on or before 31st December preceding the meeting of Parliament, a copy of so much of the said plans and sections as relates to each parish, in or through which the work is to be made, &c. (see fig. 5,) together with a book of

reference thereto, has been deposited with the parish-clerk of each such parish in England, the schoolmaster of each such parish in Scotland (or in royal burghs with the town-clerk), and the clerk of the Union within which such parish is included in Ireland.

8. That on or before the 31st of December a copy of the said plans, sections, and books of reference was deposited in the office of the clerk of the Parliaments.

9. That plans and sections of all alterations made subsequently to the introduction of the bill into Parliament, were deposited with clerks of the peace, parish-clerks, &c., and that notices thereof were duly published, and application made to owners, &c.; in fact, that all the like proceedings had been adopted with respect to the plans, &c., of these alterations as with the original plans and sections, &c. (except, of course, as regards the limitations of time imposed upon the latter).

10. That maps or plans, and sections of such alterations had been deposited in the office of the clerk of the Parliaments, such plans and sections being on the scale, and containing the same particulars as the original map or plan and section of the said work.

11. That the Standing Orders of the House of Lords, as to the deposit of plans, &c., with clerks of the peace, &c., had been printed, and a copy

deposited, together with the respective plans, sections, books of reference, &c., with those officers.

12. That (before application was made for any bill whereby any part of a work authorised by any former Act is intended to be relinquished), notice in writing of such bill be given to the owners, or reputed owners, &c., of the lands in which the part of the said work intended to be relinquished is situate. (H. L. 223.)

The following are the further matters that are required (by another of their Lordships' Standing Orders) to be proved before the said Standing Order Committee.

1. That an estimate of the expense has been made and a subscription under a contract entered into, to three-fourths the amount of the estimate.

2. That (in cases where a declaration may be substituted for the subscription contract), such a declaration (vide, for particulars, H. L. 224, sec. 2,) stating the facts as to the nature of the work, the nature and amount of the funds or surplus revenue, has been given under the common seal of the society or company, &c., in addition to the estimate of the expense. (That is to say, some bill previously passed and acted upon.)

3. That (in cases where a declaration and estimate of amount of rates may be substituted for the subscription contract), such a declaration, (for particulars, vide H. L. 224, sec. 3), together with an estimate of the amount of rates, has been

given in the declaration signed by the party or agent soliciting the bill, and the estimate signed by the person making the same—the estimate of the expense being given in, in addition.

4. That the subscription contract contains the christian and surnames, &c., of every subscriber, the amount of his subscription, and the amount paid up. That (except as regards railway bills), *one-twentieth* part of the amount subscribed, and (*as regards railway bills*) a sum equal to *one-tenth* of the amount subscribed has been deposited with the Court of Chancery in England, the Court of Exchequer in Scotland, or the Court of Chancery in Ireland (according as the work is intended to be done in either of those countries).

There is a proviso, however, that prevents the necessity of *one-tenth* of the amount having been paid in the case of railway bills that have been before Parliament during the session of 1845, and that may be introduced again in the present session (1846.) With respect to such bills, a sum equal to *one-twentieth* of the amount subscribed, is alone required to have been so deposited as before provided with regard to bills other than railway bills. (Vide Act 1 and 2 Vict. c. 117, providing for the custody of the money so paid, in pursuance of the Standing Orders of either House of Parliament.) By a resolution of their Lordships, however, this session (1846), *one-twentieth* only in certain cases has to be paid (by

6th Feb.), and another twentieth before third reading. [See chapter on "Special Practice for the present session."]

5. That the subscription contract was entered into subsequent to the *commencement* of the session of Parliament previous to that in which application is made for the bill to which it relates. (As regards other bills, this contract must be proved to have been entered into subsequently to the *close* of the session previous to that in which application is made for the bill to which it relates.) In the case of every subscription contract, it must be proved that the parties subscribing to it have bound themselves, their heirs, executors, and administrators, for the payment of the money so subscribed. (And it is now a common practice to make enquiry whether they are in a position to be able to pay—proofs from previous bankruptcies, insolvencies, present difficulties, &c., may be allowed in opposition.)

6. That copies of the subscription contract have been printed by the promoters, and deposited in the office of the clerk of the Parliaments, previous to the second reading, for the use of the House. Or where a declaration and estimate of the probable amount of rates and duties are substituted in lieu of a subscription contract, copies of the same must be proved to have been so printed and deposited.

7. That (except in cases where notices are

required to be affixed on church-doors, and also, except in cases where a written acknowledgment is allowed as evidence of such notice or application) no notice has been given on a Sunday or Christmas day, or before 8 o'clock in the forenoon, or after 8 o'clock in the afternoon. (H. L. 224.)

Proof is further required before the Standing Committee that (when in any bill introduced into the House for the purpose of establishing a company for carrying on any work or undertaking, the name of any person or persons shall be stated as manager, director, proprietor, or otherwise concerned in carrying such bill into effect), the said person or persons have subscribed their names to the petition for the said bill, or to a printed copy of the said bill, as brought up and introduced into the House. (H. L. 225.)

The following matters must likewise be proved before the same committee, in the case of bills for railways included in the second class of bills :—

1. That plans, sections, and books of reference, (required by the Standing Orders of the House to be deposited with the clerk of the peace, &c., on or before 30th November) were on or before the same day deposited in the office of the Railway Department of the Board of Trade, together with a published map to a scale of not less than half an inch to a mile, with the line of railway delineated thereon.

2. That a copy of the bill, as brought into the House of Lords, has been deposited in the office of the Railway Department of the Board of Trade.

3. That the plan exhibits thereon the distances in miles and furlongs from one of the termini; and that a memorandum of the radius of every curve not exceeding one mile in length is noted on the plan in miles, furlongs, and chains.

4. That in every section of a railway the line marked thereon corresponds with the upper surface of the rails.

5. That distances on the datum line are marked in miles and furlongs to correspond with those on the plan. That a vertical measure from the datum line to the line of railway is marked in feet and inches at each change of the gradient or inclination, and that the proportion or rate of inclination between each such change is also marked.

6. That the height of the railway over or under the surface of every turnpike-road, &c., is marked in figures at every crossing thereof, &c. [For particulars, see Standing Order 227, sec. 6, in Appendix.]

7. That tunnelling and arching, where they are respectively substitutes for open cutting or for a solid embankment, are marked, the first by a dotted line on the plan and on the section, and

the viaduct by a dotted line on the section. (H. L. 227.)

[In bills that are unopposed in their Lordships' House, evidence that the Standing Orders have been proved in the Commons to be complied with, will be held to be sufficient.]

Report of the Standing Order Committee.

The Standing Order Committee having (where requisite or called upon) investigated all these matters, has to report to the House whether the Standing Orders have been complied with, in so far as they relate to railway bills or any other bill in the same (*i. e.* the second) class that may have been referred to that tribunal.

If the report be that the various Orders have been complied with, as required, the bill is at once in a position to proceed to the next stage—namely, its second reading.

If, however, any of these Standing Orders have not been complied with, the committee has, in the strict and positive performance of its duty, to report to the House the points in which they have not been so complied with, and to state the facts upon which their decision is founded, together with special circumstances connected with the case. Like the Standing Order Committee of the other House (but unlike the committee on petitions to which such bills are, in the first

instance, referred in the Commons), the Lords' Standing Order Committee has, after stating the fact whether all the requisite Orders have or have not been complied with, to give, in the latter case, their opinion as to the propriety of dispensing with any of the Standing Orders that have not been observed. It then remains for the House to decide whether, under all the circumstances of the particular case, the recommendations of the report should be carried into effect or not. If the Lords determine against the propriety of dispensing with the Orders in question, the parties promoting the bill are not permitted to proceed, and the bill falls to the ground. If, on the other hand, the House grant indulgence and do not insist on this penalty strictly due to all who do not comply with their Lordships' Standing Orders, such Orders are declared to be dispensed with, and the parties are allowed to proceed with their bill.

After the investigation before the Standing Order Committee, the next stage is the—

Second Reading.

Previous, however, to any private bill being read the second time, copies of the subscription contract, with the names of the subscribers alphabetically arranged, and the amount of deposit respectively paid up by each such subscriber (or where a declaration and estimate of the probable

amount of rates and duties, according to Acts previously passed, are substituted in lieu of a subscription contract, copies of such declaration and estimate) must be printed at the expense of the promoters of the bill, and be delivered at the office of the clerk of the Parliaments. (H. L. 224, sec. 6.)

No private bill can be read a second time in this House until printed copies thereof have been left with the clerk of the Parliaments for the perusal of the Lords. (H. L. 96.)

No private bill can be read before the hearing of any cause that may be appointed to be heard on that day in the House of Lords. (H. L. 97.)

The bill having been read the **SECOND TIME**, the next stage is the—

Committee on the Bill.

The committee on any “private bill” cannot sit until *ten* days after such bill shall have been read a second time. (H. L. 94.)

No committee on any private bill relating to such railways as are included in the second class, or of any other bill included in any of the three classes which shall be opposed, has power to examine into the compliance with the Standing Orders, the compliance with which is required to be proved before the Standing Order Committee. (H. L. 219, sec. 8.)

A committee in the House of Lords, where the

bill is unopposed, is comprised in the Earl of Shaftesbury, the chairman of the committees of the upper House, and any other lord who may happen to be present on such occasion. If there be no other lord present, then his lordship (the Earl of Shaftesbury) from his long experience and his great knowledge of the duties to be performed and his invariable attention to every claim or interest that may be brought before the committee is wisely and considerately allowed to act as the committee in his own person. When the bill, however, is opposed, the committee consists of five peers (H. L. 219, sec. 10), each of whom has a vote, but none of them possessing the influence of his lordship, derived from a long and well sustained character for intimate and extensive knowledge of the practice of the House, and his kindness and consistency of conduct for a series of many years. This Select Committee of five have the choice of their own chairman. No opposed private bill can be referred to an open committee. (H. L. 219, sec. 9.)

Committees of the House of Lords are chiefly remarkable for their anxious and earnest attention to the pecuniary rights of parties opposing bills, rather than to the general advantage to be derived from such bills themselves. None are so poor as not to be heard before their lordships, if the case be fairly and properly brought before them. Many an instance of harsh and inequitable decision has

been corrected by committees of the House of Lords, over whom the genial influence of the noble Earl the chairman of committees, ever attentive by himself or his counsel, will induce them to give to the most humble suitor the fairest hearing.

As already stated, no opposed railway bill can be referred to an open committee, but to a select committee of five, who have to appoint their own chairman. Every member of such committee must attend its proceedings during their whole continuance, and no lord who is not one of the five, can take any part in those proceedings. All peers, likewise, who have any interest in any private bill, are exempted from serving on the committee thereon; or can be excused for any special reasons approved of in each case by the House. (H. L. 219.)

The chairman of committees and four other lords to be named by the House are appointed, each session, a committee to select and propose to the House the five peers who shall form the select committee for the consideration of each such opposed private bill.

This select committee of five is not to be nominated to the House the same day on which the opposed bill that is to be referred to it is read a second time.

The committee to which any opposed railway bill is committed, meets not later than eleven

o'clock in the forenoon, and sits till four o'clock in the afternoon. It cannot adjourn at an earlier hour than the latter without specially reporting the cause thereof to the House at its next meeting: neither can it, without leave of the House, adjourn over any day except Saturday and Sunday, Christmas Day, and Good Friday. If, however, any member of the committee be prevented from continuing his attendance, the committee *must* then adjourn, and report the circumstance to the House, neither can it resume its meetings without special leave from their Lordships. (H. L. 219.)

The chairman of committees can, in any case where he shall think proper, report to the House his opinion that any unopposed bill on which he shall sit as chairman, should be proceeded with as an opposed bill. (H. L. 219, sec. 19.)

If any report have been made on any railway bill, under the authority of the Board of Trade, such report has to be referred to the committee on such bill. (H. L. 219.)

If the committee on a railway bill recommend that in the alteration of the level of roads, steeper ascents than are specified in the Standing Orders should be allowed, or that a railway should be made across a road on the level, they are to report the reasons and facts upon which such opinion is founded. (H. L. 233, sec. 4.)

Committees on railway bills have to inquire into the following matters, and report specially thereon :—

1. The proposed capital, shares subscribed for, deposits paid, names, &c. of directors, local shareholders, subscribers for 2000*l.* and upwards, &c.
2. Sufficiency or insufficiency of the existing means of conveyance. [Vacated, March 12, 1846.]
3. Passengers and goods anticipated. [Vacated.]
4. Amount of income expected. [Vacated, ditto.]
5. Whether the railway be a complete line, or part of a more extended plan.
6. Whether any report from the Board of Trade has been referred to the committee; and, if so, whether any and what recommendations therein have been adopted, and what rejected by the committee.
7. Statement of planes to be worked by assistant engines, stationary or locomotive, with the respective lengths and inclinations of such planes.
8. Engineering difficulties, and the manner in which it is proposed they should be overcome.
9. Size and means of ventilating the tunnels on the line, and whether the strata through which they pass are favorable.
10. Whether the gradients and curves are favourable, &c.
11. The length of the main line and its branches.
12. Fitness in an engineering point of view.

13. Whether any highway is to be passed on a level.
14. The amount of the estimates, and whether adequate.
15. The estimated amount of annual expenses.
16. The revenue in reference to annual charge.
17. The number of assents, dissents, and neuters.
18. The names of the engineers examined.
19. The allegations of petitions in opposition.
20. Any other circumstances that, in the opinion of the committee, it is desirable the House should be informed of. (H. L. 233.)

The House will not proceed, (except in cases where there is no opposition) with the further consideration of any report of any bill until it has received specific replies in answer to each of the questions contained above. (H. L. 233, see. 2.)

In cases where there is no opposition, or where no parties appear in support of a petition in opposition to any railway bill before this House, or where the opposition has been withdrawn, it is in the discretion of the committee to determine how far it may be necessary to inquire into the facts required to be proved by the above Standing Order.

[Many noblemen feel they are not bound by this particular practice or order, but make such inquiries as may elicit the facts and motives of

each case, that may be brought before the committee.

The bulk of the engineering evidence that has been given at length before the House of Commons Committee on any railway bill has to be gone into again before the committee appointed by their Lordships to investigate such bill, after its second reading. Proof must be given before it (in addition to all the above enumerated matters) that the due notices have been given at the last Quarter Sessions immediately preceding the sitting of Parliament, for every county, &c. through which the work is proposed to be made, maintained, &c. (This is not required by the House of Commons.)

What has been stated in the descriptions of proceedings in committees on railway bills, in the House of Commons, with regard to the evidence required thereby, will apply equally to proceedings before like committees of the House of Lords (with one exception, however), as regards the admission and rejection of such evidence. That exception refers to the swearing of witnesses. It has already been observed that the committees on bills in the House of Commons have no power to administer oaths, and therefore receive the testimony of unsworn witnesses. In committees of the House of Lords, however, no oral evidence can be received unless the witnesses giving it have been previously sworn at the bar of their

Lordships' House. They can be sworn in that House, it being presumed that the judges are always present therein. As cases sometimes occur, however, where the swearing of a witness at the bar of the House would occasion delay, and where his testimony is required to be given immediately, it is sometimes usual, where the investigation does not involve the credit and character of individuals or companies, to allow the evidence to be taken, and to swear the witness to the truth of what he has deposed, subsequently.

Again, with regard to summoning witnesses, or sending for papers and records. It has already been stated in another part of this work, that committees on bills in the House of Commons have no power to compel persons to attend, or to bring documentary evidence (except the Committee of Selection, to which the House has this session delegated such power.) In other cases, application is obliged to be made to the House itself, and it will then issue the required order. Where witnesses, however, are wanted by committees of the House of Peers, they are usually served with a notice thereof from the committee-clerk, in whose notice the day for their attendance and being sworn at the bar of the House is named. If this notice be disregarded or disobeyed, the accustomed course is to procure an order of the House signed by the assistant clerk of the Parliaments, and to serve the same upon the refrac-

tory party. If, however, he is not to be found, and there is ground for supposing he is purposely keeping out of the way to avoid being served, the House will resolve that, leaving the order in question at his usual residence, shall be deemed good and sufficient service; and if he do not then obey and attend, he will be ordered into the custody of the proper officer of the House, and become subject to the penalties of contempt, and be liable to fine and imprisonment.

Report.

Two days before the bill is reported to the House a copy, as proposed to be amended in the committee, must be deposited at the Board of Trade. (234, sec. 4.)

Further Consideration of Report.

When railway bills have been opposed in the committee on the bill, the further consideration of the report will not be proceeded with until the House has received from the committee specific replies in answer to each of the twenty questions on which they are directed specially to report. (H. L. 233, sec. 2.)

Third Reading.

All railway bills that have been opposed, and have undergone amendments in committee, must be reprinted as amended previously to the third

reading, unless the chairman of the committee shall certify that the reprinting of such bill is unnecessary. (H. L. 234, sec. 1.)

Two days before the bill is read a third time, a copy must be deposited with the Board of Trade, as amended in the committee.

No railway bill can be read a third time, unless provision be made therein restricting the company from raising by loan or mortgage a larger sum than one-third of their capital; limiting the alterations of the level of turnpike-roads to one in thirty feet, and of other roads to one in twenty, and prohibiting the railway from crossing highways on the same level, unless the committee on the bill report that such restrictions ought not to be enforced; and also limiting the time for the completion of the work. (H. L. 233, sec. 4.)

(Although such company may be limited to borrow only one-third of their capital, various means are allowed to be resorted to, to enable them to borrow more without infringing on this Standing Order.)

If no amendments be introduced into the bill in the House of Lords, such bill having been "read a third time and passed," is returned to the Commons with a statement to that effect; and it then only awaits the final sanction of the "royal assent," in order to become law.

If amendments, however, are made by their Lordships the bill is returned to the other House,

and (as already stated) a day's notice must be given in the Private Bill Office (according to Standing Order, H. C. 146,) of the consideration of those amendments. If they be disagreed to, and the House proposing them insist on them, the bill is lost ; but amendments proposed to the amendments generally arrange every difficulty, and modify the alterations so as to allow of their adoption. Both Houses having agreed upon the form in which the bill is to remain, it then receives the royal assent upon the first occasion of there being "a commission," unless her Majesty attends the House of Lords at the prorogation of Parliament, and then the royal assent is said to be given in person.

It is exceeding uncertain, however, (when bills have passed through both Houses) when they will receive the royal assent. If the fees of both Houses have not been paid at the time, the clerks of the House of Lords have power to stop the bill *in transitu*.

Bills Postponed from Session 1845.

It was resolved by the House of Lords (July 4, 1845,)

1. "That any bill included in the second class under the Standing Order of the 16th August, 1838, and which shall be before this House in the present Session, but shall not

pass for want of time, shall be marked by the chairman of committees, and shall be proceeded with in the ensuing session, if such bill be brought from the Commons, in every respect the same bill as that which shall have been so marked by the chairman.

2. "That any bill of the said second class which shall have been stopped in its progress through the House of Commons in the present Session, by reason of want of time, and which shall be brought up to this House in the ensuing session, marked by the Speaker of that House, as having been so stopped, shall be in like manner received by this House.

3. "That those bills which shall have been stopped in this House, and so marked as aforesaid by the chairman of committees, and also those bills which shall be brought up for the first time next session, marked by the Speaker of the House of Commons as aforesaid, shall be proceeded with upon the same notices as would have been required by this House under its Standing Orders, during the present session, and upon no other notice."

[The following chapter is devoted to the specially altered PRACTICE for the present SESSION in both HOUSES of PARLIAMENT.]

PART III.

PROCEEDINGS IN PARLIAMENT: SESSION 1846.

SPECIAL (ALTERED) PRACTICE FOR THE PRESENT SESSION (1846).

AT the commencement of the present session, owing to the immense number of projected railways proposed to be brought under the consideration of Parliament this year, Sir Robert Peel (in the Commons' House), and Lord Dalhousie (in the House of Lords) obtained the appointment in each House of a select committee "to consider the mode in which the House shall deal with the railway bills proposed to be submitted to the House during the present session." From the general character of the Premier's remarks in moving for the Commons' committee considerable alarm was created, from the impression that Government were disposed to discourage railway

speculation ; and consequently the reports of both committees were expected with unusual anxiety. Those reports, however, are generally regarded as most satisfactory in their nature, for their effect is to facilitate "the dispatch of railway business during the present session," and to render it certain that more railway bills will receive legislative sanction under the plan proposed than could possibly, otherwise, have been the case. These two important reports are subjoined.

Lords' First Report on Railways.

"That it is the opinion of this committee that such portion of the Standing Order No. 224 as requires a deposit of one-tenth of the amount subscribed, should be suspended with respect to all such railway bills as shall commence in the House of Lords during the present session.

"That no such railway bills shall be read a first time in this House unless a deposit of one-twentieth part of the amount subscribed shall have been paid on or before the 6th of February.

"That no such railway bills should be read a third time until a further deposit of one-twentieth part of the amount subscribed shall in like manner be paid.

"That it is the opinion of this committee that this House should not receive any petition for a railway bill after Monday, the 23rd of February."

Commons' First Report on Railways.

"The select committee appointed to consider the mode in which the House shall deal with the railway bills proposed to be submitted to the House during the present session, and who are empowered to report from time to time to the

House, have considered the matters referred to them, and agreed to the following report:—

“ That for the purpose of facilitating the despatch of railway business during the present session, it is expedient that a portion of the railway bills should commence in the House of Lords.

“ That with respect to any railway bills which, in pursuance of these resolutions, shall commence in the House of Lords during this session, this House will not insist on their privilege with regard to the clauses fixing and regulating rates and tolls in such bills.

“ That with a view of affording early and increased means of employment in Ireland, it is expedient to give facilities for the early consideration of Irish railway bills.

“ That, for the attainment of this object, it is expedient that all Irish railway bills should, in the present session, commence in the House of Lords.

“ That it is expedient that all bills which compete with, or ought to be considered in connection with any bills, the promoters of which shall prove themselves entitled to the privileges agreed to be granted in certain cases by the resolutions of this House of the 7th July last, shall commence in the House of Lords.

“ That the parties promoting railway bills which, by the above resolutions, are to commence in the House of Lords, may (notwithstanding any proceeding respecting such bills in the House of Lords) prove before the committee on petitions of the House of Commons that they have complied with the Standing Orders of this House, and the report of such committee shall be ordered to lie on the table. If the committee should report that the Standing Orders have not been complied with, their report shall be referred to the committee on Standing Orders, whose report shall be ordered to lie on the table.

“ That when a railway bill shall have commenced in the

House of Lords, and shall be sent down to the House of Commons from the House of Lords, it shall be read the first time in the House of Commons, and shall then be referred to the committee on petitions, to ascertain whether the railway bill so sent down is substantially in accordance with the Standing Orders, as determined by the House of Commons."

These and subsequent reports have not been embodied in the work, as the alterations thereby effected in the practice (the several resolutions proposed by the said select committee having been at once adopted by the two Houses), are to apply (according to existing arrangements) only to the present session, as in the next the same emergency from the pressure of railway business may not arise; or, if it do, will have again to be specially provided for. It has, therefore, been deemed most advisable to let the general practice remain unaltered in this work, with the caution, however, that due care be taken in reference to the temporary changes in practice effected for this session, by the reports of the two select committees.

On the 6th February, the House of Lords (pursuant to previous notice given by Lord Dalhousie) took into consideration the first report (given above) from the select committee appointed to consider the mode in which this House shall deal with railway bills during the present session, and also the Standing Order No. 224, in order

that the said Standing Order might be amended. The said report was *considered* accordingly, and *agreed to*; and the Standing Order also *considered*, and it was resolved, "that such portion of the Standing Order No. 224, as requires from the promoters of railway bills a deposit of one-tenth of the amount subscribed, shall be suspended with respect to all such railway bills as shall commence in the House of Lords *during the present session*. That no such railway bill shall be read a first time in this House unless a deposit of *one-twentieth* part of the amount subscribed shall have been made on or before the 6th of February, (the very day on the evening of which these resolutions were agreed to) and no such railway bill shall be read a third time until a further deposit of *one-twentieth* part of the amount subscribed shall in like manner be made.

It was further agreed by their Lordships' House the same night, that they would receive no petition for any railway bill after Monday 23rd of February.

In the House of Commons the same evening, the Order for the further consideration of the report (presented the preceding day) of the select committee was read and the report accordingly further considered, and the House adopted the several proposals therein contained in the form of the following resolutions, (which, it will be observed,



likewise apply to railway business in Parliament “this session” alone) :—

1. “*Resolved*, That with respect to any railway bills which shall be brought from the House of Lords *during this Session*, this House will not insist on their privilege with regard to the clauses fixing and regulating rates and tolls in such bills.

2. “*Resolved*, That with a view of affording early and increased means of employment in Ireland, it is expedient to give facilities for the early consideration of Irish railway bills; and that, for the attainment of this object, all such railway bills should, in the present Session, commence in the House of Lords.

3. “*Resolved*, That all bills which compete with or ought to be considered in connection with any bills, the promoters of which shall prove themselves entitled to the privileges agreed to be granted in certain cases by the resolutions of this House of the 7th July last, shall commence in the House of Lords.

4. “*Resolved*, That the parties promoting railway bills which, by the above resolutions, are to commence in the House of Lords, may (notwithstanding any proceeding respecting such bills in the House of Lords) prove before the committee on petitions of the House of Commons that they have complied with the Standing Orders of this House, and the report of such committee shall be ordered to lie on the table. If the committee should report that the Standing Orders have not been complied with, their report shall be referred to the committee on Standing Orders, whose report shall be ordered to lie on the table.

5. “*Resolved*, That when a railway bill shall have been brought from the Lords, it shall be read a first time, and referred to the select committee on petitions for private bills, who shall report whether the Standing Orders have been

complied with, or whether any report with reference to substantially the same bill has been previously laid on the table of the House."

The effect of these resolutions of both Houses therefore is, that the House of Commons waives (on account of the peculiar pressure of railway business introduced into Parliament) *during the present Session*, its undoubted privilege to originate bills that may be regarded by construction in any way as "money bills," or, in other words, such as impose pecuniary burdens on the people by their provisions. Railway bills necessarily are of that nature ; but the Commons' House of Parliament by these resolutions declares, that, "with respect to any railway bills which shall be brought from the House of Lords during the present session, this House *will not insist on this privilege* with regard to the clauses fixing and regulating rates and tolls in such bills." This was the first and great obstacle to be surmounted. It was then agreed that, to give facilities for the early consideration of Irish railway bills (with a "view of affording early and increased means of employment in Ireland") all such *Irish railway bills* should, in the present session, *commence in the House of Lords*. But not only Irish railway bills, but "all bills which compete with or ought to be considered in connection with any bills, the promoters of which shall prove themselves entitled to the privileges agreed to be granted in certain

cases by the resolutions of this House of the 7th July last, shall commence in the *Lords*."

(The following are the resolutions of July 7, 1845, above referred to, and which are here given to explain what bills are included in the foregoing resolutions of February, 1846.)

1. "Resolved, That, owing to the peculiar circumstances of the present session of Parliament, the committee is of opinion that special privileges should be granted to parties wishing to re-introduce, in the next session, railway bills which, having been advanced to a certain stage, it may be found impossible to pass into laws during the present session, from want of time for their proper investigation.

2. *Resolved*, That such privileges be limited to the case of such bills as shall have been ordered to be engrossed by this House during the present session.

3. "Resolved, That the promoters of such bills shall give notice by advertisement for six successive weeks in the months of October and November next, in the London, Edinburgh, or Dublin Gazette, as the case may be, and in the local paper or papers which may be usually in circulation in the part of the country through which the line of railway is proposed to pass, of their intention to present a petition for the re-introduction of any such bill.

4. "Resolved, That upon any petition for leave to bring in a railway bill which shall be presented to the House during the next session of Parliament, and referred to the committee on petitions, the committee do examine whether the said petition be the same in substance as any petition for the same purpose, and from the same parties, which was presented in this session of Parliament; and in that case, whether any bill brought into the House in pursuance of such petition in this session, was pending in either House of Parliament on the termination of this session, and if so,

whether a subscription contract, as required by the Standing Orders, binding in the usual way the subscribers to the undertaking has been entered into, and is valid at the time of such inquiry, and whether the deposit of 5*l.* per cent. upon such subscription is lodged in the manner required by the Standing Orders.

5. "*Resolved*, That in such case, and on proof of such notice having been given as aforesaid, and in case it should appear that such bill had, at the end of this session, been pending in the House of Lords, or, if pending in the House of Commons, had been ordered to be engrossed, the Standing Orders with respect to any such bill shall be held to have been complied with.

6. "*Resolved*, That the time between the second reading of any such bill which shall be brought in in the next session and the meeting of the committee thereon, be shortened to three days, the parties giving the regular notices in the Private Bill Office.

7. "*Resolved*, That the committee on any such bill do examine whether the bill be in every respect the same as such former bill at the last stage of its proceeding in this House in the present session, and that in such case no evidence shall be received by such committee; but that on the reception and adoption by the House of a report from such committee that the bill referred to them is in every respect the same as such former bill at the last stage of its proceeding in this House in the present session, such bill may be ordered to be engrossed without any further proceeding in respect thereof."

[Standing Order 88 a of the House of Commons was framed in consequence of these resolutions.]

Then, to repeat, all Irish railway bills, and all competing bills, or such as "ought to be considered

in connection with other bills" (provided they were ordered to be engrossed in session 1845) are to commence this session in the House of Lords.

The promoters of such bills have, therefore, to present petitions for bills to the House of Lords in the same way as they would, previously, have presented them to the House of Commons—or, in fact, as they *have* presented them to that House, as these resolutions were not adopted until the last day for receiving petitions for private bills in the latter House. The Lords have resolved that no such petitions shall be received after the 23rd February. Their lordships have further decided that (instead of insisting on a deposit (before the bill be introduced into this House) of *ten* per cent. of the amount subscribed, according to sect. 4 of Standing Order 224), a deposit of *one-twentieth* part of the amount subscribed shall suffice, in the case of any railway bill to be introduced into their lordships' House, provided it was paid on or before the 6th of February.

No such bill, however, is to be read a third time until a further deposit of one-twentieth part of the amount subscribed shall in like manner be paid. The effect of this change, therefore, is that, instead of requiring 10 per cent. of the amount subscribed to be deposited, prior to the introduction of a railway bill into the House of Lords (as was required by Standing Order 224,

sec. 4, in the case of all railway bills but such as had been before Parliament during the session of 1845, and which might be re-introduced this session) a deposit of 5 per cent. will suffice until such bills have reached their third reading in the House of Lords, when, before they can pass that stage, a further deposit of 5 per cent. must be paid into the Court of Chancery in England, the Court of Exchequer in Scotland, or the Court of Chancery in Ireland, as the case may happen to be that of an English, Scotch, or Irish bill.

The mode of proceeding in the House of Lords *this session* (1846) is in many respects (as will have been perceived) materially altered by the resolutions adopted by the Legislature to meet the emergency created by the unusual pressure of railway business. The course with respect to such railway bills (being either an Irish railway bill, or for certain *competing* English lines) is that the bill be “presented (on petition)” when it is read a first time in the House and then referred to the Lords’ Standing Order Committee, to be considered thereby on the day fixed by their lordships. Thus (unlike the course of procedure in the House of Commons) the project is not at all investigated, as regards compliance with the Standing Orders until *after* the bill has been introduced and read a first time. The following extract from the official records of the House

shows the manner in which bills this session pass their first stage in the lords:—

Cork, Blackrock, and Passage Railway Bill; Limerick, Ennis, and Killaloe Junction Railway Bill; Mountmellick Junction Railway Bill; Dublin and Belfast Junction and Navan Branch Railway Extension Bill; Clonmel and Thurles Railway Bill.—*Presented* (on petitions); read 1 a; and referred to the Standing Order Committee, on *Monday the 2nd of March* next.

The bill having passed through the Standing Order Committee safely, that committee reports thereon to the House, and leave is given to proceed with the bill, the course of procedure being shown in the following extract from their lordships' official records:—

Great Munster Railway Bill; Bandon and Bantry Railway Bill; Dublin and Kingstown Extension Railway Bill, &c. &c.—*Reported specially* from the Standing Order Committee, and leave given to proceed with the bills.

Where the report from this committee is that the Standing Orders have not been complied with, the proceeding adopted is shown in the following extract from their lordships' books (24th Feb. 1846):—

Great County Down Railway Bill.—*Reported specially* from the Standing Order Committee, That the Standing Orders have not been complied with, and that the bill should not be allowed to proceed; read, and *agreed to*, and ordered to lie on the table.

The effect of this is, of course, to stay the progress of the bill, which is, in fact, lost by such a report.

A second report was soon afterwards presented from the Lords' Select Committee; and, on the 13th February, the resolutions proposed therein were adopted by the House "as respects railway bills *commenced in this House during the present session.*"

First, with regard to Standing Order, No. 219, of their Lordships' House, the following alterations were introduced :—

That on the bill being reported to the House from the committee on the bill, or at any time previously, on the petition of the parties to such bill, or any of them, the bill shall be referred to the Standing Order Committee, which shall inquire whether the Standing Orders, the compliance with which is directed to be proved before or reported by the Standing Order Committee previously to the third reading of the bill, have been complied with ; and the committee shall report on the matters referred to them, in the same manner as they are directed to report on other matters referred to them by the Standing Orders :

That five clear days' notice be given of such meeting of the committee, and that it be proved to the satisfaction of the committee that the Standing Orders had been complied with five clear days before such meeting of the committee :

That the Standing Order Committee shall not meet to consider the compliance with such of the Standing Orders as are directed to be proved before them, until after the expiration of seven clear days from the presentation of the petition if the bill relate to England, or until after the

expiration of ten clear days if the bill relate to Scotland or Ireland :

That every petition complaining of a non-compliance with such of the Standing Orders as are directed to be proved before the Standing Order Committee subsequently to the first reading of the bill shall be presented three clear days before the meeting of the committee to consider such Standing Orders.

Standing Order, No. 220, was also altered in the following particulars ; (viz.)

That the service of every application required to be made to the owners or reputed owners, lessees or reputed lessees, and occupiers, by the fourth paragraph of the said Standing Order, may, unless a petition complaining of the want of due service of such application shall have been referred to the Standing Order Committee, be proved by the evidence of the agent or solicitor for the bill, stating that he gave directions for the service of such application in the manner and within the time required by the Standing Orders, and that he believes that such application was so served; but in case the Standing Order Committee shall not be satisfied with the evidence of the agent or solicitor, the service of such application shall be proved in the usual manner :

That no bill commencing in this House, and empowering any company already constituted by Act of Parliament to execute any work other than that for which it was originally established, shall be read a third time, unless the committee on Standing Orders shall have specially reported that the requisitions contained in Paragraph No. 5 of such Order have been complied with.

Standing Order, No. 224, was altered in the following particulars ; (viz.)

That as respects all railway bills which shall commence

in this House during the present Session of Parliament, it shall be proved to the satisfaction of the Standing Order Committee that a sum equal to one-twentieth part of the amount subscribed has been deposited, in the manner required by the said Standing Order, on or before the sixth day of February instant; and it shall likewise be proved to the satisfaction of the said committee, before the third reading of such bill, that a further sum equal to one-twentieth part of the amount subscribed has been deposited in like manner; and that the amendment made to the said Standing Order on the sixth instant be further amended, by substituting the word "Second" for the word "First."

Standing Order, No. 225, was altered in the following particulars; (*viz.*)

That it shall be sufficient if the proof required to be given by the last-mentioned Standing Order be adduced before the Standing Order Committee at any time previous to the third reading of the bill.

It was further resolved,—

That all the Standing Orders applicable to railway bills, except such of them or such part of them as are altered by or inconsistent with the aforesaid Standing Order, shall apply to the railway bills commenced in this House during the present session of Parliament, and to the proceedings in such bills.

The House of Commons, some days after the adoption of the resolutions already given, took into consideration the *second* report of the railway bills committee, and (Feb. 12) agreed (upon the recommendations contained in that report) to the following further resolutions respecting the

constitution of a classification committee, and of committees on railway bills *during the session of 1846*. It may be remarked here also that these alterations in the practice of Parliament with regard to railway bills, are strictly limited to the present session.

1. *Resolved*, That a committee of five members be appointed, to be called *The Classification Committee of Railway Bills*, and that three be the quorum of such committee.
2. That copies of all petitions for railway bills presented to the House be laid before the said committee.
3. That the committee of classification shall inquire and report what railway bills compete with, or ought to be considered in connexion with, any railway bills, the promoters of which shall have proved themselves entitled to the privilege agreed to be granted in certain cases by the resolutions of this House of the 7th July last.
4. That the committee of classification shall form into groups all other railway bills which, in their opinion, it would be expedient to submit to the same committee.
5. That as soon as the committee of classification shall have determined what railway bills are to be grouped together, they shall report the same to the House, and all petitions against any of the said bills shall be presented to the House *three* clear days before the meeting of the committee thereon.
6. That no railway bill be read a first time later than *the next day but one* after the report of the committee on petitions or of the Standing Order Committee on such bill, as the case may be, shall have been laid on the table, except by special order of the House.
7. That there be no more than *seven* clear days between

the first reading of any railway bill and the second reading thereof, except by special order of the House.

8. That the breviate of every railway bill shall be laid on the table of the House, and be printed and delivered *one clear day* before the second reading.

9. That such railway bills as shall have been read a first time before the House, shall agree to these resolutions, shall be read a second time within *seven* clear days thereafter.

10. That such of the Standing Orders as relate to the composition of the committees on private bills, and the orders consequent thereon, be suspended so far as regards railway bills pending in the course of the present session.

11. That committees on railway bills during the present session of Parliament shall be composed of a chairman and four members, to be appointed by the committee of selection.

12. That each member of a committee on a railway bill or bills, shall, before he be entitled to attend and vote on such committee, sign a declaration that his constituents have no local interest, and that he himself has no personal interest for or against any bill referred to him; and no such committee shall proceed to business until the whole of the members thereof shall have signed such declaration.

13. That the promoters of a railway bill shall be prepared to go into the committee on the bill on such day as the committee of selection shall, subject to the Order that there be *seven* clear days between the second reading of every private bill and the sitting of the committee thereupon, think proper to appoint, provided that the classification committee shall have reported on such bill.

14. That the committee of selection shall give each member not less than *fourteen days'* notice of the week in which it will be necessary for him to be in attendance, for the purpose of serving, if required, on a railway bill committee.

15. That the committee of selection shall give each member a sufficient notice of his appointment as a member of a

committee on a railway bill, and shall transmit to him a copy of the twelfth resolution, and a blank form of the declaration therein required, with a request that he will forthwith return it to them properly filled up and signed.

16. That if the committee of selection shall not within due time receive from each such member the aforesaid declaration, or an excuse which they shall deem sufficient, they shall report to the House the name of such defaulting member.

17. That the committee of selection shall have the power of substituting, at any time before the first meeting of a committee, another member for a member whom they shall deem it proper to excuse from serving on that committee.

18. That power be given to the committee of selection to send for persons, papers, and records, in the execution of the duties imposed on them by the foregoing resolutions.

19. That no member of a committee shall absent himself from his duties on such committee, unless in the case of sickness or by leave of the House.

20. That all questions before committees on railway groups or bills shall be decided by a majority of voices, including the voice of the chairman; and that whenever the voices shall be equal, the chairman shall have a second or casting vote.

21. That if the chairman shall be absent from the committee, the member next in rotation on the list who shall be present shall act as chairman.

22. That committees shall be allowed to proceed so long as three members shall be present, but not with a less number, unless by special leave of the House.

23. That if on any day within one hour after the time appointed for the meeting of a committee three members shall not be present, the committee shall be adjourned to the same hour on the next day on which the House shall sit, which had been fixed for that day.

24. That in the case of a member not being present within one hour after the time appointed for the meeting of the committee, or of any member absenting himself from his duties on such committee, such member shall be reported to the House at its next sitting.

25. That each committee shall be appointed to meet on each day of its sitting not later than twelve o'clock, unless by the regular vote of the committee.

26. That committees on railway bills have leave to sit in the present session, notwithstanding any adjournment of the House, if the committees shall so think fit.

27. That every committee on a railway bill shall fix the tolls, and shall determine the maximum rates of charge for the conveyance of passengers (with a due amount of luggage) and of goods on such railway, and such rates of charge shall include the tolls, and the costs of locomotive power, and every other expense connected with the conveyance of passengers (with a due amount of luggage) and of goods upon such railway; but if the committee shall not deem it expedient to determine such maximum rates of charge, a special report, explanatory of the grounds of their omitting so to do, shall be made to the House, which special report shall accompany the report of the bill.

The House of Commons Select Committee afterwards (17th Feb. 1846) made a third report to the following effect:—

The number of petitions for railway bills, which have been presented this session, have been stated to your committee to amount to 562; viz:—

For railways in England and Wales	395
— Scotland	120
— Ireland	47

The above numbers include petitions for amalgamation bills, and in some cases there are more petitions than one for

the same scheme. After the deduction to be made on this account, the number of distinct railway schemes appears to be,--

For England	351
Scotland	83
Ireland	47
Total	481

As, however, many of these schemes may fail from non-compliance with the Standing Orders, the number of bills presented to Parliament may possibly fall considerably short of this amount, and your committee are of opinion that it will not be necessary or expedient in the present session of Parliament to refer mere projects to committees, as was done, owing to peculiar circumstances, in the last session.

From a statement prepared by the officers of the Board of Trade, it would appear that if the same principle of grouping, which was adopted last year should be followed in the present session, the railway schemes in England and Wales might be formed into 51 groups, and those for Scotland into 10; about 61 select committees would therefore be required.

As the House has already ordered that all Irish railway bills and a certain limited class of English bills (the latter of which are included in the foregoing statement) should commence in the House of Lords, it is impossible to say how many of these may be sent down to the House of Commons. The number of groups into which railway schemes for the United Kingdom were divided last year was 52; but owing to various circumstances only 45 committees appear to have actually sat.

The necessity of considering so great a number of railway bills, in addition to other private bills, may certainly be expected to produce an unusual and inconvenient pressure upon the time of members of the House; but your commit-

tee trust, that as committees on railway bills may in this session begin to sit at an earlier period than in the last, it will not be found impracticable to constitute the requisite number of committees during the progress of the session.

Under these circumstances your committee have not deemed it advisable to recommend to the House to make any selection from, or to place any limitation on the number of railway schemes to be submitted to the consideration of Parliament during the present session.

As your committee, however, believe that much of the time of the select committees on railway bills is consumed, with little public benefit, in minute and detailed inquiries into the amount of traffic and the probable profit to the projectors, your committee are of opinion that the Standing Orders on these points should be altered, and that it should no longer be obligatory on committees on railway bills to make special reports on them.

At the same time, your committee have no wish to fetter the discretion of the select committees to make such inquiries as they may judge proper with regard to population, and to the extent of accommodation that would be afforded to the public, where they consider such information to be required.

Your committee beg further to suggest, that power be given to select committees to refer the consideration of any unopposed railway bill included in the group referred to them to the chairman of ways and means and the members ordered to prepare and bring in the bill, to be dealt with as other unopposed bills.

In compliance with the recommendations contained in the latter portion of this report, the House has since *repealed* paragraphs 7, 8, & 9, of Standing Order No. 87, which required the committee on every railway to report specially

upon the traffic and probable profit to the projectors. The following are the portions of the Standing Order thereby repealed :—

7. The sufficiency or insufficiency for agricultural, commercial, manufacturing, or other purposes, of the present means of conveyance, and of communication between the proposed termini, stating the proposed amount of traffic by land or water, the average charges made for passengers and goods, and time occupied.

8. The number of passengers, and the weight and description of the goods expected upon the proposed railway.

9. The amount of income expected to arise from the conveyance of passengers and goods, and in what proportion; stating also the description of goods from which the largest revenue is anticipated.

Subsequently, paragraph 20 was likewise repealed, which requires that the committee on the bill should specially report how far it was established before them that the estimated revenue would support the cost of maintenance and still allow profit to the projectors.

Such bills as shall (according to these temporary alterations in the practice) commence this session in the House of Lords will (having passed that House) be brought down to the House of Commons. The parties promoting them will have (notwithstanding any proceedings respecting such bills in the Upper House) to prove before the Commons' committee on petitions for private bills, that they have complied with the Standing Orders of that House; and the report of such

committee thereon is to be laid before the House. If the committee shall report that the Standing Orders have not been complied with, their report will have to be referred to the Standing Order Committee, whose report thereon will also be laid on the table of the House. In fact, the practice in this respect will be the same as if the bill had originated in the Commons.

When a railway bill has commenced in the House of Lords (pursuant to these resolutions for the present session), it will (when sent down from that House) be read the first time in the Commons, and then be referred to the committee on petitions, to ascertain whether the railway bill so sent down is substantially in accordance with the Standing Orders, as determined by the Commons House of Parliament.

Except as above described, and as altered by the resolutions previously given in this chapter, the practice of both Houses in respect to private bills, will remain as heretofore; and it has not been deemed requisite to alter the body of the volume regarding such practice, as these changes will, in all probability, last only one session, at the end of which (if other resolutions be not adopted) the practice will revert to its former course, the temporary pressure of railway business (caused by the unparalleled number of railway bills introduced during the present session) having been remedied by the temporary reference of a portion of such bills to the House of Lords.

The last New Standing Orders (March 19, 1846).

The House of Lords has, since the foregoing portion of this chapter was in print, adopted (March 19, 1846) the following resolution relative to railway bills. The extract is from the official records of their lordships' proceedings :—

Railway Bills.—The following resolution (*viz.*) "That no petition praying to be heard upon the merits against any second class railway bill shall be received by this House, unless the same be presented on or before the day on which such bill shall be read a second time," was considered (according to order), and *agreed to*; and *ordered to be added to the roll of Standing Orders.*

Ordered, That the above order shall come into operation on and after *Thursday the 26th instant.*

In the House of Commons, also, the same evening (Thursday, March 19), the following resolutions were adopted by the House :—

1. That in case of bills for making, maintaining, varying, extending, or enlarging any aqueduct, archway, bridge, weir, canal, cut, dock, ferry, harbour, navigation, pier, port, RAILWAY, reservoir, tunnel, turnpike road, and water work, and for all other works and inclosures on tidal lands within the ordinary spring tides, a general plan showing the situation and approaches to the said aqueduct, archway, harbour, &c. should be denoted upon a sheet or sheets of the ordnance survey, when published, or else upon maps of an equivalent scale, and extending ten miles on each side ; together with en-

larged plans and sections of such parts of the works as are on the tidal lands within the ordinary spring tides, on a scale of not less than twenty feet to an inch, with the dimensions figured thereon, shall, on or before the 30th day of November, be deposited in the Board of Admiralty.

It was ordered, That the said order be a Standing Order of this House.

2. That the promoters of all bills for the formation or improvement of harbours, docks, piers, RAILWAYS, bridges, weirs, &c., and for all works and inclosures on tidal lands within the ordinary spring tides, and also of bills for bridges over or tunnels under navigable rivers already introduced this session, shall forthwith send to the Board of Admiralty a copy of such parts of the plans, sections, and books of reference as they have deposited in the office of any clerk of the peace, or sheriff clerk, on or before the 30th day of November immediately preceding this session of Parliament, as are on the tidal lands within the ordinary spring tides.

The same evening, a special committee was agreed to be forthwith appointed (on motion of Mr. Morrison),

" To inquire whether, without discouraging legitimate enterprise, conditions may not be embodied in Railway Acts better fitted than those hitherto inserted in them to promote and secure the interests of the public."

The result of the investigations made by this committee will naturally be looked forward to with considerable anxiety by the vast classes interested in railway property.

A P P E N D I X.

STANDING ORDERS

OF

THE HOUSE OF COMMONS.

1685—1845.

B

PRIVATE BILLS:

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ABSTRACT OF

ABSTRACT of STANDING ORDERS relating to the passing of PRIVATE BILLS through the HOUSES OF COMMONS.

Stages of the Proceedings.	Notices and Applications.	Deposits.	Intervals to be observed.
Previous to the commencement of proceedings in the House.	<p>No. of Standing Order.</p> <p>16.—Notice in the London, Edinburgh or Dublin Gazette [as the case may be], and in some one and the same county paper, in three successive weeks of October and November, or either of them.</p> <p>Additional under special circumstances : If lands or houses to be taken.</p>	<p>No. of Standing Order.</p> <p>23.—Deposit with the clerk of the peace, plans, sections and books of reference, on or before the 30th of November.</p> <p>23a.—Deposit at Board of Trade, plans, &c., on or before the 30th of November.</p> <p>27.—Deposit with the parish clerks, &c., &c., parochial plans, sections and books of reference, on or before the 31st of December.</p> <p>28.—Deposit in the Private Bill Office, plans, sections and books of reference, on or before the 31st of December.</p>	<p>No. of Standing Order.</p> <p>23.—Deposit with the clerk of the peace, plans, sections and books of reference, on or before the 30th of November.</p>
If a first class bill.	17.—Application to owners, lessees, and occupiers on or before the 31st of December.	18.—Notice on the church doors of all parishes affected on three successive Sundays in October and November, or either of them.	17.—Deposit in the Private Bill Office, lists of owners, lessees and occupiers, estimates and declarations, before the presentation of the petition.

STANDING ORDERS.

5

A BSTRACT of STANDING ORDERS relating to the passing of PRIVATE BILLS through the HOUSE
OF COMMONS—*continued.*

Stages of the Proceedings.	Notices and Applications.	Deposits.	Intervals to be observed.
	No. of Standing Order.	No. of Standing Order.	No. of Standing Order.
If to make a burial-ground.	<p>No. of Standing Order. 20.—Notice on the church doors of every adjoining parish on three successive Sundays in October and November, or either of them.</p> <p>21.—Notice to the owner and occupier of every dwelling-house within 300 yards of the intended burial-ground on or before the 31st of December.</p>	<p>44.—Deposit in the Private Bill Office, copy of deed of partnership, or of subscription contract: also a declaration before presentation of petition.</p>	102.—Petition to be presented within fourteen days after the first Friday in the session.
Presentation of the petition for a bill.	36.—Notice to owners and occupiers, if the bill be to relinquish a work authorized by a former act, before the presentation of the petition.	35.—Deposit in the Vote Office printed copies of subscription contract, or of declaration and estimate, before the presentation of the petition.	102.—Petition to be presented within fourteen days after the first Friday in the session.

ABSTRACT OF

ABSTRACT of STANDING ORDERS relating to the passing of PRIVATE BILLS through the HOUSE
OF COMMONS—*continued.*

Stages of the Proceedings.	Notices and Applications.	Deposits.	Intervals to be observed.
Committee on petitions.	No. of Standing Order. 129.—Notice in the Private Bill Office of the first meeting of the committee, seven clear days. 130.—Notice in the Private Bill Office of the postponement of the first meeting of the committee, one clear day.	No. of Standing Order. •	No. of Standing Order. 104.—Between the presentation of petition and the meeting of the committee, if an English bill, seven clear days; if a Scotch or Irish bill, ten clear days.
Second reading.	134.—Notice in the Private Bill Office of the second reading, three clear days.	•	110.—Between the first and second reading, three clear days. 112.—Second reading not within two months after the last notice in the newspapers. 114.—Second reading not within three clear days after the briefe shall have been laid on the table.

**ABSTRACT of STANDING ORDERS relating to the passing of PRIVATE BILLS through the House
OF COMMONS—continued.**

Stages of the Proceedings.	Notices and Applications.	Deposits.	Intervals to be observed.
Committee on the Private bill.	No. of Standing Order. 136.—Notice in the Private Bill Office of the Meeting of the Committee, seven clear days.	No. of Standing Order. 136.—Deposit in the Private Bill Office a filled-up Bill, on giving notice of the committee.	No. of Standing Order. 117.—Between second reading and meeting of the committee, seven clear days.
Postponement of the committee.	137.—Notice in the Private Bill Office of the postponement of first meeting of the committee, on the day when postponement is made.		
Re-committal of the bill.	135.—Notice in the Private Bill Office of the meeting of the committee, three clear days.	136.—Deposit in the Private Bill Office a filled-up Bill, as proposed to be submitted to the committee, one clear day before the meeting of the committee.	

ABSTRACT of STANDING ORDERS relating to the passing of PRIVATE BILLS through the House
OF COMMONS—*continued.*

Stages of the Proceedings.	Notices and Applications.	Deposits.	Intervals to be observed
	No. of Standing Order.	No. of Standing Order.	No. of Standing Order.
Report	139.—Notice in the Private Bill Office of the Report, and consideration of the report, one clear day. 141.—Notice in the Private Bill Office of any clause to be brought up, or amendments to be made on the report or consideration of the report, on the day previous to such report or consideration.	120.—Deposit with the door-keepers prints of the Bill as amended three clear days before the report is considered.	
Third reading . .		142.—Notice in the Private Bill Office of the third reading, one clear day. 141.—Notice in the Private Bill Office of any clause to be brought up, or amendments to be made on the day previous to such third reading.	
Consideration of Lords' Amendments.		146.—Notice in the Private Bill Office of the consideration of Lords' Amendments on the day previous to such consideration.	

STANDING ORDERS.

APPOINTMENT OF COMMITTEES.

I. That a committee be appointed at the commencement of every session, consisting of forty-two members, of whom three shall be a quorum; and such committee shall be denominated "the select committee on petitions for private bills."

II. That the select committee on petitions for private bills have leave to divide themselves into sub-committees, and to make regulations for the transaction of business.

III. That a committee be appointed at the commencement of every session, consisting of *seven* members, together with the chairmen of the committee and of the sub-committees on petitions for private bills, of whom *five* shall be a quorum; and such committee shall be denominated "the select committee on standing orders."

IV. That a committee be appointed at the commencement of every session, consisting of the chairman of the select committee on standing orders and of the chairmen of the committee and of the sub-committees on petitions for private bills, of whom *three* shall be a quorum; and such committee shall be denominated "the committee of selection."

10 APPENDIX.—STANDING ORDERS.

Committee
on opposed
private bills.

V. That the committee on every “opposed private bill,” not being a divorce bill, shall consist of the members on the speaker’s list of that county or that division of a county to which the bill specially relates, and of such number of “selected members” not locally interested in the bill in progress, and in such proportion, as the circumstances of each case shall in the judgment of the committee of selection require, of which committee *five* (including the quorum of selected members) shall be a quorum.

Committee on
unopposed
private bills.

VI. That the committee on every “unopposed private bill,” not being a divorce bill, and which shall have originated in this House, shall consist of the chairman of the committee of ways and means, together with the members ordered to prepare and bring in the bill; and that the committee on every “unopposed private bill,” not being a divorce bill, which shall have been brought from the House of Lords, shall consist of the chairman of the committee of ways and means, and of not less than *two* other members to be named by the committee of selection; and that the chairman of the committee of ways and means shall be the chairman of the committee on every “unopposed private bill,” not being a divorce bill; and that such chairman and *one* of such other members shall be the quorum required to be present during the whole progress of the bill through such committee.

Committee
on divorce
bills.

VII. That a committee be appointed at the commencement of every session, consisting of not more than *fifteen* members, of whom *five* shall be a quorum; and such committee shall be denominated “the select committee on divorce bills.”

Members not
to be added
to committee,
except by
special order.

VIII. That after any committee on a private bill shall have been formed, no members to be added thereto, unless by special order of the house.

DUTIES OF COMMITTEES.

DUTY OF THE SELECT COMMITTEE ON
PETITIONS FOR PRIVATE BILLS.

Compliance
with standing
orders to be

IX. That the compliance with the following standing orders shall be proved before one of the sub-committees

of the select committee on petitions for private bills, and any parties shall be at liberty to appear and be heard, by themselves, their agents and witnesses, upon any petition which may be referred to such committee, complaining of a non-compliance with the standing orders, provided the matter complained of be specifically stated in such petition, and that the party affected by the non-compliance with the standing orders be cognizant of, and consent to, the presentation of the petition, and that such petition be presented *three* clear days before the first meeting of such sub-committee.

X. That in the case of any application for a private bill relating to *England*, the committee may admit proof of the compliance with the standing orders which refer to the affixing to the church doors the requisite notices, on the production of affidavits sworn before any justices in petty sessions assembled, for the division within which the churches on which the notices have been affixed, shall be respectively situated.

XI. That in the case of any application for a private bill relating to *Scotland*, the committee may admit proof of the compliance with the standing orders of this House, on the production of affidavits sworn before any sheriff depute or his substitute there, whose certificate shall be admitted as evidence of such proof having been made, unless the committee shall require further evidence.

XII. That in the case of any application for a private bill relating to *Ireland*, the committee may admit proof of the compliance with the standing orders of the House, on the production of affidavits sworn before any judge or assistant barrister of that part of the United Kingdom, whose certificate shall be admitted as evidence of such proof having been made, unless the committee shall require further evidence.

XIII. That when the sub-committee shall report to the House that the standing orders have not been complied with, they do report the facts upon which their decision is founded, and any special circumstances connected with the case.

XIV. That notices be given in all cases where application is intended to be made for leave to bring in a bill relating to the subjects included in any of the following classes:—

- 1ST CLASS. Burial ground, making, maintaining, or altering.
Church or chapel, building, enlarging, repairing, or maintaining.
City or town, paving, lighting, watching, cleansing, or improving.
Crown, church, or corporation property, or property held in trust for public or charitable purposes.
Fishery, making, maintaining or improving.
Land, inclosing, draining, or improving.
Market or market-place.
Local court, constituting.
Market or market-place, erecting, improving, repairing, maintaining, or regulating.
Poor, maintaining or employing.
Poor-rate.
Stipendiary magistrate, or any public officer, payment of, if not out of county rate.

2ND CLASS. Making, maintaining, varying, extending, or enlarging any aqueduct, archway, bridge, canal, cut, dock, ferry, harbour, navigation, pier, port, railway, reservoir, tunnel, turnpike road, waterwork.

- 3RD CLASS. Continuing or amending an Act passed for any of the purposes included in this or the two preceding classes, where no further work than such as was authorized by a former Act is proposed to be made.
Company, incorporating or giving powers to.
County rate.
County or shire-hall, court-house.
Gaol or house of correction.
Letters patent, confirming, prolonging, or transferring the term of.
Powers to sue and be sued, conferring.
Stipendiary magistrate, or any public officer, payment of, if out of county rate.

XV. That such notices be published in *three successive weeks* in the months of *October* and *November*, or either of them, immediately preceding the session of parliament in which application for the bill shall be made, in the *London, Edinburgh, or Dublin Gazette*, as the case may be, and in some one and the same newspaper of the county-in which the city, town, or lands to which such bill relates shall be situate; or if there be no newspaper published therein, then in the newspaper of some county adjoining or near thereto; or if such bill do not relate to any particular city, town, or lands, in the *London, Edinburgh, or Dublin Gazette* only, as the case may be; and that all notices required to be inserted in the *London, Edinburgh, or Dublin Gazette*, be delivered at the office of the gazette in which the insertion is required to be made, during the usual office hours, at least *two clear days* previous to the publication of the gazette, and that the receipt of the printer for such notice shall be proof of its due delivery.

XVI. That if it be the intention of the parties applying for leave to bring in a bill, to obtain powers for the compulsory purchase of lands or houses, or to levy any tolls, rates, or duties, or to alter any existing tolls, rates or duties, or to confer, vary, or extinguish any exemptions from payment of tolls, rates or duties, or any other rights or privileges, the notices shall specify such intention.

XVII. That on or before the 31st day of *December* immediately preceding the application for a bill by which any lands or houses are intended to be taken, or an extension of the time granted by any former Act for that purpose is sought, application in writing (and in cases of bills included in the second class, in the form, as near as may be, set forth in the Appendix marked (A.)), be made to the owners or reputed owners, lessees or reputed lessees, and occupiers, either by delivering the same personally, or by leaving the same at their usual place of abode, or in their absence from the United Kingdom, with their agents respectively, of which application the production of a written acknowledgment by the party applied to shall, in the absence of other proof, be sufficient evidence; and that separate lists be made of the names of such owners, lessees and occupiers, distinguishing which of

Intention to
levy or alter
tolls to be
stated.

Application
to owners,
&c.

them have assented, dissented, or are neuter in respect thereto. (*See* as to depositing said lists in Private Bill Office, No. 127.)

ORDERS SPECIALLY RELATING TO BILLS OF THE FIRST CLASS.

Notices on church doors.

XVIII. That in cases of bills included in the first class, notices shall also be affixed to the outer doors of the churches of every parish to which they specially relate, for *three successive Sundays*, in the months of *October* and *November*, or either of them.

Crown, &c. Property.

Notice to owners, &c.

XIX. That in cases of intended application to Parliament for bills relating to crown, church, or corporation property, or property held in trust for public or charitable purposes, notice in writing of such intention be given to the owners or reputed owners of such property, and to the lessees or reputed lessees of such property, holding leases granted for a life or lives, or for any term of twenty-one years or upwards; such notice to be given as aforesaid previous to the presentation of the petition for leave to bring in the Bill, or in the case of a bill brought from the House of Lords, previous to the first reading thereof.

Burial Grounds.

Notices on church doors.

XX. That notices be affixed to the outer doors of the churches of every parish adjoining that in which a burial ground is proposed to be made, for *three successive Sundays* in the months of *October* and *November*, or either of them.

Notice to owners and occupiers of houses.

XXI. That on or before the 31st day of *December* immediately preceding the application for any bill for making a burial ground, notice shall be given to the owner and occupier of every dwelling house situated within 300 yards of the boundary of the proposed burial ground.

ORDERS SPECIALLY RELATING TO BILLS OF THE SECOND CLASS.

Notices to contain names of parishes, &c.

XXII. That in cases of bills included in the second class, all notices shall contain the names of the parishes, townships, townlands and extra-parochial places from, in, through, or into which the work is intended to be made,

maintained, varied, extended or enlarged, and shall state the time and place of deposit of the plans, sections, and books of reference respectively, with the clerks of the peace, parish clerks, schoolmasters, town clerks, and clerks of unions, as the case may be. (*See Nos. 23 & 27.*)

XXIII. That a plan, and also a duplicate of such plan, on a scale of not less than four inches to a mile, be deposited for public inspection at the office of the clerk of the peace for every county, riding or division in *England* or *Ireland*, or in the office of the principal sheriff clerk of every county in *Scotland*, in or through which the work is proposed to be made, maintained, varied, extended or enlarged, on or before the 30th day of *November*, immediately preceding the session of Parliament in which application for the bill shall be made: which plans shall describe the line or situation of the whole of the work, and the lands in or through which it is to be made, maintained, varied, extended or enlarged, or through which every communication to or from the work shall be made, together with a book of reference containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands respectively; and in the case of bills relating to turnpike roads, cuts, canals, reservoirs, aqueducts and railways, a section and duplicate thereof, as hereinafter described, shall likewise be deposited with such plan and duplicate.

XXIII. a. That in the case of Railway bills, a copy of all plans, sections, and books of reference, required by the orders of the House to be deposited in the office of any clerk of the peace or sheriff clerk, on or before the 30th day of November immediately preceding the session of Parliament in which application for the Bill shall be made, together with a published map to a scale of not less than half an inch to a mile, with the line of railway delineated thereon, so as to show its general course and direction, shall on or before the same day be deposited in the office of the railway department of the Board of Trade.

XXIV. That where it is the intention of the parties to apply for powers to make any lateral deviation from the line of the proposed work, the limits of such deviation shall be defined upon the plan, and all lands included within such limits shall be marked thereon, and that in all cases, excepting where the whole of such plan shall

Plans, &c.,
with clerk of
the peace.

Plans, &c. at
Board of
Trade.

Lands within
deviation to
be on plan.

*Buildings,
&c., on en-
larged scale.*

be upon a scale of not less than a *quarter* of an *inch* to every 100 feet, an additional plan of any building, yard, court-yard, or land within the curtilage of any building, or of any ground cultivated as a garden, either on the original line or included within the limits of the said deviation, shall be laid down on the said plan or on the additional plan deposited therewith, upon a scale of not less than a *quarter* of an *inch* to every 100 feet. (*See fig. 3.*)

Section.

XXV. That the section be drawn to the same horizontal scale as the plan, and to a vertical scale of not less than *one inch* to every 100 feet, and shall show the surface of the ground marked on the plan, and the intended level of the proposed work, and a datum horizontal line, which shall be the same throughout the whole length of the work, or any branch thereof respectively, and shall be referred to some fixed point stated in writing on the section, near either of the termini. (*See Line D. D.*, fig. 2.)

*Clerks of
peace to in-
dorse a me-
morial on
plans, &c.*

XXVI. That the clerks of the peace or sheriff clerks, or their respective deputies, do make a memorial in writing upon the plans, sections, and books of reference so deposited with them, denoting the time at which the same were lodged in their respective offices, and do at all seasonable hours of the day permit any person to view and examine one of the same, and to make copies or extracts therefrom; and that *one* of the two plans and sections so deposited, be sealed up and retained in the possession of the clerk of the peace or sheriff clerk until called for by order of one of the two Houses of Parliament. (*See Appendix, Act 1 Vict. c. 83.*)

*Plan and sec-
tion with
parish clerk,
&c.*

XXVII. That on or before the 31st day of *December*, a copy of so much of the said plans and sections as relates to each parish in or through which the work is intended to be made, maintained, varied, extended or enlarged (*see fig. 5.*), together with a book of reference thereto, be deposited with the parish clerk of each such parish in *England*, the schoolmaster of each such parish in *Scotland* (or in royal burghs with the town-clerk), and the clerk of the union within which such parish is included in *Ireland*. (*See Appendix, Act 1 Vict. c. 83.*)

XXVIII. That on or before the 31st day of *December*, a Time for de-
copy of the said plans, sections and books of reference be pos-
posed in the Private Bill Office of this House. Time for deposit in private bill office.

XXIX. That an estimate of the expense be made and signed by the person making the same, and that a subscription be entered into under a contract, made as hereinafter described, to *three-fourths* the amount of the estimate. (*See* as to depositing estimate and subscription contract in Private Bill Office, No. 127.) Estimate and subscription contract.

XXX. That in cases where the work is to be made by means of funds, or out of money to be raised upon the credit of present surplus revenue, belonging to any society or company, or under the control of directors, trustees, or commissioners, as the case may be, of any existing public work, a declaration stating those facts, and setting forth the nature of such control, and the nature and amount of such funds or surplus revenue, and given under the common seal of the society or company, or under the hand of some authorized officer of such directors, trustees or commissioners, may be substituted in lieu of the subscription contract, and in addition to the estimate of the expense. (*See* as to depositing subscription contracts in Private Bill Office, No. 127.) Cases where-in declaration may be substituted for subscription contract.

XXXI. That in cases where the work is to be made out of money to be raised upon the security of the rates, duties or revenue to be created by or to arise under any bill, under which no private or personal pecuniary profit or advantage is to be derived, a declaration stating those facts, and setting forth the means by which funds are to be obtained for executing the work, and signed by the party or agent soliciting the bill, together with an estimate of the probable amount of such rates, duties or revenue, signed by the person making the same, may be substituted in lieu of the subscription contract, and in addition to the estimate of the expense. (*See* as to depositing estimate and subscription contract in Private Bill Office, No. 127.) Cases where-in declaration and estimate of amount of rates may be substituted for subscription contract.

XXXII. That every subscription contract contain the christian and surnames, description and place of abode of every subscriber; his signature to the amount of his subscription, with the amount which he has paid up; and the name of the party witnessing such signature, and the date of the same respectively. Contract to contain christian and surnames of parties.

One-twentieth part of amount subscribed to be deposited.

XXXIII. That previous to the presentation of a petition for a bill, except a railway bill (for which see Order 39 *a*) a sum equal to one-twentieth part of the amount subscribed shall be deposited with the Court of Chancery in *England*, if the work is intended to be done in *England*, or with the Court of Chancery in *England* or the Court of Exchequer in *Scotland*, if such work is intended to be done in *Scotland*, and with the Court of Chancery in *Ireland*, if such work is intended to be done in *Ireland*. (*Vide Appendix C.*)

Not valid unless entered into subsequent to close of previous session.

XXXIV. That no subscription contract shall be valid, excepting in the case of railway bills (for which see Order 40), unless it be entered into subsequent to the close of the session of Parliament previous to that in which application is made for leave to bring in the bill to which it relates, and unless the parties subscribing to it bind themselves, their heirs, executors and administrators, for the payment of the money so subscribed.

Copies of subscription contract, or of declaration, &c., to be printed, and delivered in vote office.

XXXV. That previous to the presentation of a petition for a bill, copies of the subscription contract, with the names of the subscribers arranged in alphabetical order, and the amount of the deposit respectively paid up by each such subscriber, or where a declaration and estimate of the probable amount of rates and duties are substituted in lieu of a subscription contract, copies of such declaration or of such declaration and estimate be printed at the expense of the promoters of the bill, and be delivered at the Vote Office for the use of the members of the House.

Notice to owners, &c., when the bill is to abridge any public work.

XXXVI. That previous to the presentation of a petition for a bill whereby any part of a work authorized by any former Act is intended to be relinquished, notice in writing of such bill be given to the owners or reputed owners and occupiers of the lands in which the part of the said work intended to be thereby relinquished is situate.

XXXVI.*a* That (except in cases where notices are required to be affixed on church-doors) no notice given, nor application made on a Sunday or Christmas-day, or before eight o'clock in the forenoon, or after eight o'clock in the afternoon of any day, shall be deemed valid.

Cuts, Canals, Reservoirs, Aqueducts, and Navigations.

XXXVII. That in all cases where it is proposed to divert into any intended cut, canal, reservoir, aqueduct, or navigation, or into any intended variation, extension, or enlargement thereof respectively, any water from any existing cut, canal, reservoir, aqueduct, or navigation, whether directly or derivatively, and whether under any agreement with the proprietors thereof or otherwise, the notices shall contain the name of every such existing cut, canal, reservoir, aqueduct, or navigation, the waters supplying which, by virtue of any Act of Parliament, will either directly or derivatively flow or proceed into any such intended cut, canal, reservoir, aqueduct, or navigation, or into any intended variation, extension or enlargement thereof.

When it is intended to divert water from an existing cut, &c., into an intended cut, &c., the name of the existing cut, &c., to be mentioned.

XXXVIII. That in all cases where it is proposed to make, vary, extend or enlarge any cut, canal, reservoir, aqueduct or navigation, the plan shall describe the brooks and streams to be directly diverted into such intended cut, canal, reservoir, aqueduct or navigation, or into any variation, extension or enlargement thereof respectively, for supplying the same with water; it shall also exhibit the height of the several embankments, and the depth of the several cuttings respectively, on a scale specified thereon (*see fig. 1*); and in cases of bills for improving the navigation of any river, there shall be a section which shall specify the levels of both banks of such river, and where any alteration is intended to be made therein, it shall describe the same by feet and inches.

Plan to describe brooks, &c., to be diverted.

Railways.

XXXIX. That in the case of railway bills, a copy of every bill annexed to a petition be deposited in the office of the railway department of the Board of Trade, on or before the day of presentation of the petition to the House.

Copy of bill annexed to petition to be deposited at Board of Trade.

XXXIX. a That previous to the presentation of a petition for a railway bill, a sum equal to one-tenth part of the amount subscribed shall be deposited with the Court of Chancery in England, if the railway is intended to be made in England; or with the Court of Chancery in England or the Court of Exchequer in Scotland, if such

One-tenth part of amount subscribed to be deposited.

railway is intended to be made in Scotland ; and with the Court of Chancery in Ireland, if such railway is intended to be made in Ireland : " Provided, that the " above order shall not apply to any railway bills which " have been before Parliament during the present ses- " sion, and which may be again introduced in the next " session, or which are already provisionally registered, " or the subscription contract for which may be already " executed, or partly executed on the twenty-ninth day " of July ; but with respect to such bills, a sum equal to " one-twentieth of the amount subscribed shall be de- " posited as before provided."

Subscription
contract not
valid unless
entered into
subsequent to
the last day
of receiving
petitions in
previous ses-
sion.

XL. That as regards railway bills, no subscription contract shall be valid, unless it be entered into subsequent to the day fixed in the session of Parliament previous to that in which application is made for leave to bring in the bill to which it relates, as the last day on which petitions for private bills may be presented, and unless the parties subscribing to it bind themselves, their heirs, executors and administrators, for the payment of the money so subscribed.

Distances to
be marked
in miles and
furlongs, and
memorandum
of curves.

XL. *a.* That in all cases where it is proposed to make, vary, extend, or enlarge any railway, the plan shall exhibit thereon the distances in miles and furlongs, from one of the termini; and a memorandum of the radius of every curve not exceeding one mile in length shall be noted on the plan in furlongs and chains.

Line of rail-
way on sec-
tion to cor-
respond with
upper surface
of rails.

XLI. That in every section of a railway, the line marked thereon shall correspond with the upper surface of the rails.

Vertical mea-
sures to be
marked at
change of
gradient.

XLI *a.* That distances on the datum line shall be marked in miles and furlongs, to correspond with those on the plan; that a vertical measure from the datum line to the line of the railway shall be marked in feet and inches at each change of the gradient or inclination; and that the proportion or rate of inclination between each such change shall also be marked.

Height of
railway, over
or under sur-
face, to be
marked at
every cross-
ing of a road,
&c.

XLII. That the height of the railway over or under the surface of every turnpike-road, public carriage-road, navigable river, canal, or railway, or junction with a railway, and the height and span of every arch of all bridges and viaducts, shall be marked in figures at every crossing

thereof, and the extreme height over or under the surface of the ground shall be marked for every embankment and cutting ; and if any alteration in the present level or rate of inclination of any turnpike-road, carriage-road, or railway be intended, then the same shall be stated on the said section, and each numbered ; also that cross sections, in reference to the said numbers, on a horizontal scale of one inch to every 330 feet, and on a vertical scale of one inch to every 40 feet, shall be added to explain the nature of such alterations more clearly.

XLIII. That where tunnelling as a substitute for Tunnelling
open cutting, or a viaduct as a substitute for solid em-
bankment, be intended, the tunnelling shall be marked
by a dotted line on the plan, and shall also be marked
on the section, and the viaduct shall be marked on the
section.

**ORDERS APPLICABLE TO SUCH RAILWAY BILLS AS SHALL
HAVE BEEN ORDERED TO BE ENGRAVED IN SESSION
1845.**

“ XLIII. a. That the promoters of such bills shall Notices in
“ give notice by advertisement for six successive weeks in newspapers
“ the months of October and November, in the London, and gazettes.
“ Edinburgh, or Dublin Gazette, as the case may be, and
“ in the local paper or papers which may be usually in
“ circulation in the part of the country through which
“ the line of railway is proposed to pass, of their inten-
“ tion to present a petition for the re-introduction of any
“ such bill.

“ XLIII. b. That upon any petition for leave to bring Committee to
“ in a railway bill which shall be presented to the House examine
“ during the session of 1846, and referred to the com- whether peti-
“ mittee on petitions, the committee do examine whether
“ the said petition be the same in substance as any petition
“ for the same purpose, and from the same parties, which
“ was presented in the session of 1845 ; and in that case
“ whether any bill brought into the House in pursuance
“ of such petition in the session of 1845, was pending in
“ either house of Parliament on the termination of such
“ session ; and if so, whether a subscription contract, as
“ required by the standing orders, binding in the usual
“ way the subscribers to the undertaking, has been en-
“ tered into and is valid at the time of such inquiry, and
“ in 1845.

" whether the deposit of 5*l.* per cent. upon such subscription is lodged in the manner required by the standing orders.

If petition be the same as in 1845, &c., and bill pending, if ordered to be engrossed, standing orders to be held "complied with.

" XLIII. c. That in such case, and on proof of such notice having been given as aforesaid, and in case it should appear that such bill had, at the end of the session of 1845, been pending in the House of Lords, or if pending in the House of Commons, had been ordered to be engrossed, the standing orders with respect to any such bill shall be held to have been complied with.

ORDERS SPECIALLY RELATING TO BILLS OF THE THIRD CLASS.

Documents to be deposited in Private Bill Office.

XLIV. That as respects all bills of the third class for the incorporation of joint stock companies, or proposed companies for carrying on any trade or business, or for conferring upon such companies the power of suing and being sued, there be deposited in the Private Bill Office, previous to the presentation of the petition for the bill, a copy of the deed or agreement of partnership (if any) under which the company or proposed company is acting, or of the subscription contract (if any), together with a declaration in writing stating the following matters:—

1st.—The present and proposed amount of the capital of the company.

2nd.—The number of shares, and the amount of each share.

3rd.—The number of shares subscribed for.

4th.—The amount of subscriptions paid up.

5th.—The names, residences, and descriptions of the shareholders or subscribers (so far as the name can be made out), and of the actual or provisional directors, treasurers, secretaries, or other officer, if any.

And such documents shall be verified by the signature of some authorized officer of the company or proposed company (if any), and by some responsible party promoting the bill. (See as to depositing documents in Private Bill Office, Order, page 51, No. 127.)

Letters Patent.

Name of invention to be prefixed in

XLV. That in cases of bills for confirming or prolonging the terms of letters patent, each notice shall have

prefixed to it in capital letters the name by which the invention is usually distinguished, and shall contain a distinct description of the invention for which such letters patent have been obtained, and also an account of the term of their duration.

DUTY OF THE SELECT COMMITTEE ON STANDING ORDERS.

XLVI. That when any report of the select committee on petitions for private bills, in which they shall report that the standing orders have not been complied with, shall have been referred to the select committee on standing orders, they shall report to the House whether such standing orders as have not been complied with, ought or ought not to be dispensed with, and whether in their opinion the parties should be permitted to proceed with their bill, or any portion thereof, and under what (if any) conditions.

XLVII. That when any petition for leave to dispense with any of the sessional orders of the House relating to private bills, shall have been referred to the select committee on standing orders, they shall report to the House whether such sessional orders ought or ought not to be dispensed with.

XLVIII. That when any clause or amendment proposed to any private bill on the report, or the consideration of the report thereof, shall have been referred to the select committee on standing orders, they shall report to the House whether such clause or amendment be of such a nature as not to be adopted by the House without the re-commitment of the bill, or of such a nature as to justify the House in entertaining it without recurring to that proceeding, or of such a nature as not in either case to be adopted by the House.

XLIX. That when any clause or amendment proposed to any private bill on the third reading shall have been referred to the select committee on standing orders, they shall report to the House whether such clause or amendment ought or ought not to be adopted by the House at that stage.

DUTY OF THE COMMITTEE OF SELECTION.

Opposed bill
to be referred
to speaker's
list, &c.

L. That the committee of selection shall refer every private bill referred to them, when it be opposed, to the speaker's list of that county or that division of a county to which the bill specially relates, and to such number of members not locally interested in the bill as the circumstances of the case shall in their judgment require.

Quorum of
selected
members.

LI. That the committee of selection shall in each case direct what number of the members (not locally interested in the Bill) selected and added to the speaker's list by them, shall be a quorum of such members.

Notice to
selected
members.

LII. That the committee of selection shall, after the name of any member shall have been added by them to the speaker's list, direct the clerk attending them to give notice as soon as possible to such member of his name having been so added, and of the time when the committee on the bill shall have been appointed to meet.

What bills
not to be
considered
opposed.

LIII. That the committee of selection shall consider no bill as an opposed private bill where no petition has been presented in which the petitioners pray to be heard, by themselves, their counsel or agents, unless in cases where the chairman of ways and means shall have reported to the House that in his opinion any bill should be so treated.

Unopposed
bills to be re-
ferred to the
chairman of
ways and
means, &c.

LIV. That the committee of selection shall refer every unopposed private bill referred to them, and which shall have originated in this House, to the chairman of the committee of ways and means, together with the members ordered to prepare and bring in the bill; and shall refer every unopposed private bill referred to them, which shall have been brought from the House of Lords, to the chairman of the committee of ways and means, together with not less than *two* other members, to be named by the committee of selection.

Committee of
selection to
appoint first
sitting of
committee.

LV. That the committee of selection shall, subject to the order that there be *seven* clear days between the second reading of every private bill and the sitting of the committee thereupon, fix the time for holding the *first sitting* of every committee on a private bill referred to them; but in the case of unopposed private bills, after communication with the members who are to form the committee on such bill.

LVI. That no postponement of the first sitting of any Postpone-
committee on a private bill shall take place, unless such ment of first
postponement, and the duration of it, shall have been sitting.
sanctioned by the committee of selection.

DUTY OF THE COMMITTEE ON THE BILL.

ORDERS SPECIALLY RELATING TO THE COMMITTEE ON AN OPPOSED BILL.

LVII. That each member appointed to serve as a Member of
member of a committee on an opposed private bill, whe- committee to
ther he be on the Speaker's list or one of the selected sign declara-
members, before he be entitled to attend and vote on tion.
such committee, shall (accordingly to the class to which
he may belong) sign one of the following declarations.

LVIII. That the following shall be the several forms Declaration
of declaration :— of member
on Speaker's
list.

No. 1.—Declaration of a member whose name is on
the list prepared under the direction of Mr. Speaker
for

I, A. B., being one of the members whose name is on
the list prepared under the direction of Mr. Speak-
er, to which list the bill for has been
committed, do hereby declare, That I will
never vote on any question which may arise without
having duly heard and attended to the evidence
relating thereto.

MEMORANDUM.—*The declaration, signed as aforesaid,
must be delivered to the clerk of the committee on the bill
before the committee shall proceed to appoint a chairman,
otherwise the member signing the same shall not be entitled
to attend or vote.*

No. 2.—The declaration of a member whose name Declaration
has been added to the list prepared under the direction of selected
of Mr. Speaker by the committee of selection, his mem-
constituents having no local interest in the bill for

I, C. D., being one of the members selected and
added to the list by the committee of selection, to
which list the bill for has been
committed, do hereby declare, That my constituents
have no local interest, and that I have no personal

interest in such bill ; and that I will never vote on any question which may arise without having duly heard and attended to the evidence relating thereto.

MEMORANDUM.—*The declaration, signed as aforesaid, must be delivered to the clerk of the committee on the bill before the committee shall proceed to appoint a chairman, otherwise the member signing the same shall not be entitled to attend or vote.*

Form of declaration supplied by clerk.

LIX. That the committee clerk shall furnish to each member appointed to serve on a committee on a private bill, who shall apply for the same, a form of one of the above declarations, according to the class to which the member may belong ; and that such application shall be made to the committee clerk, either in the committee clerk's office, previous to the time when the committee shall have been appointed to meet, or in the committee room previous to the door thereof being locked, as hereinafter directed.

When member not entitled to attend or vote.

LX. That no member shall be entitled to attend or vote in a committee on an opposed private bill, who shall not have delivered his declaration to the clerk, previous to the time when the door of the committee room shall be locked for the appointment of the chairman, and who shall not have been present at such appointment.

Quorum to be always present.

LXL That five members (including the quorum of selected members) shall be the quorum of every committee on an opposed private bill, and that no such committee shall proceed to business, or continue their inquiry or deliberations, unless such number of members appointed and duly qualified to serve on such committee shall be present.

When proceedings of committee to commence.

LXII. That so soon after the expiration of *ten minutes*, and not sooner, after the time appointed for the first sitting of a committee on an opposed private bill, as there shall be present at least *five* members appointed and duly qualified to serve on such committee (including a quorum of selected members), the clerk shall direct the messenger in attendance on the committee to clear the room of all strangers, and to lock the door of the committee room ; and the members then present shall proceed to appoint a chairman.

LXIII. That the member to be appointed the chairman of each committee on an opposed private bill shall be one of the selected members.

Chairman to
be a selected
member.

LXIV. That if at any time during the sitting of the committee a quorum of the selected members shall not be present, the chairman of the committee shall suspend the proceedings of such committee until such quorum shall be present; and that if at the expiration of *one hour* from the time fixed for the meeting of the committee, or from the time when the chairman shall so have suspended the proceedings of such committee, a quorum of the selected members shall not be present, the chairman shall *adjourn* the committee for any period he may think fit, and report to the House the circumstances of the case at its next meeting.

Proceedings
to be sus-
pended if
quorum not
present.

LXV. That if at any time after the committee on a bill shall have been formed, a quorum of members required by the standing orders cannot attend in consequence of any of the members who shall have duly qualified to serve on such committee having become incompetent to continue such service by having been placed on an election committee, or by death or otherwise, the chairman shall report the circumstances of the case to the House, in order that such measures may be taken by the House as shall enable the members still remaining on the committee to proceed with the business referred to such committee, or as the exigency of the case may require.

Absence of
quorum by
death or
otherwise to
be reported.

LXVI. That no petition against a private bill be taken into consideration by the committee on such bill, which shall not distinctly specify the ground on which the petitioners object to any of the provisions thereof; and that the petitioners be only heard on such grounds so stated; and if it shall appear to the said committee, that such grounds are not specified with sufficient accuracy, the committee may direct that there be given into the committee a more specific statement, in writing, but limited to such grounds of objection so inaccurately specified.

Petition
against bill
not to be con-
sidered ex-
cept grounds
of objection
sufficiently
specified.

LXVII. That no petitioners against any private bill shall be heard before the committee on the bill, unless the petition shall have been presented to this House *three*

Petition
against bill
to be pre-
sented three

days before
first day ap-
pointed for
meeting.

clear *days* before the day appointed for the first meeting of such committee, unless the petitioners shall complain of any matter which may have arisen during the progress of the bill before the said committee.

ORDERS SPECIALLY RELATING TO THE COMMITTEE ON AN UNOPPOSED BILL.

What chair-
man to be
appointed.

LXVIII. That the chairman of the committee of ways and means shall be the chairman of the committee on every unopposed private bill (not being a divorce bill), and that such chairman and one of the other members of the committee shall be the quorum thereof.

Chairman
liberty to re-
port that any
bill should
be treated as
opposed.

LXIX. That the chairman of the committee on every unopposed private bill (not being a divorce bill), shall be at liberty, at any period after such bill shall have been referred to him and the other members of the committee, to report his opinion to the House (if he shall think fit), that such bill should be treated as an opposed private bill; in which case such bill shall be again referred to the committee of selection, and shall be dealt with by them as an opposed private bill.

Filled-up bill
to be laid be-
fore chairman
and commit-
tee.

LXX. That a filled-up bill, signed by the agent for the bill, as proposed to be submitted to the committee, be laid by him before such chairman at the time of giving notice of the meeting of the committee on the bill, and that similar copies be also laid by the agent for the bill before the other members of the said committee *three days* at the least before the *first meeting* thereof.

**ORDERS RELATING TO COMMITTEES ON BILLS, WHETHER
OPPOSED OR UNOPPOSED.**

Names of
members to
be entered
on minutes.

LXXI. That the names of the members attending each committee be entered by the clerk on the minutes of the committee; and if any division shall take place in the committee, the clerk do take down the names of members voting in any such division, distinguishing on which side of the question they respectively vote, and that such lists be given in with the report to the House.

Committee
on bill not
to inquire
into certain

LXXII. That no committee shall have power to examine into the compliance or non-compliance with such standing orders as are directed to be proved before

the select committee on petitions for private bills, unless standing orders by special order of the House.

LXXXIII. That in the case of any private bill relating to *Scotland*, the committee may admit proof of the compliance with the standing orders of this House, and of the consents of parties concerned in interest in such private bill, on the production of affidavits sworn before any sheriff depute or his substitute there, whose certificate shall be admitted as evidence of such proof having been made, unless the committee shall require further evidence.

LXXXIV. That in the case of any private bill relating to *Ireland*, the committee may admit proof of the compliance with the standing orders of the House, and of the consents of parties concerned in interest in such private bill, on the production of affidavits sworn before any judge or assistant barrister of that part of the United Kingdom, whose certificate shall be admitted as evidence of such proof having been made, unless the committee shall require further evidence.

LXXV. That in all other instances, the committee may admit proof of the consents of parties concerned in interest in any private bill, on the production of certificates in writing of such parties, whose signature to such certificate shall be proved by *one* or more witnesses, unless the committee shall require further evidence.

LXXVI. That in all bills presented to the House for carrying on any work by means of a company, commissioners or trustees, provision be made for compelling persons who have subscribed any money towards carrying any such work into execution, to make payment of the sums severally subscribed by them.

LXXVII. That in all bills whereby any parties are authorized to levy fees, tolls, or other rate or charge, clauses be inserted, providing for the following objects, except in so far as any of such objects shall have been provided for in some general Act applicable to the subject-matter of the bill :—

That security be taken from the treasurer, collector, or receiver, and every other officer entrusted

Security to be taken from treasurer, &c.

Standing orders and consents may be proved on affidavits. *Scotland.*

Standing orders and consents may be proved on affidavits. *Ireland.*

Consents in all other cases.

Clause compelling payment of subscriptions.

Provision to be made in bills, by which tolls, &c. may be levied.

Accounts to be kept.	with the collection or custody of moneys under the bill, for the faithful execution of his office.
Accounts to be audited.	That full and accurate accounts be kept of all moneys received and expended under the provisions of the bill, and that such accounts be balanced once in each year at the least.
Accounts, vouchers, &c. to be produced to auditors.	That such accounts be duly audited once in each year at the least, and that for such purpose an auditor or auditors be appointed by some person or persons not immediately connected with the commissioners, directors, trustees, or other party, by whom, or by whose direction, or authority, such fees, tolls, rates, or charges shall be levied.
Remuneration to auditors.	That for the purpose of auditing such accounts, the commissioners, directors, trustees, or other such party, as aforesaid, be required to cause the accounts, together with all their books and vouchers, to be produced to the auditors.
Account to be annually transmitted to clerk of peace.	That the remuneration of the auditor, and his expenses, be defrayed out of the funds levied under the bill.
Level of roads.	That an annual account, in abstract, be prepared of the total receipts and expenditure of all funds levied under such bill for the past year, under the several distinct heads of receipts and expenditure, with a statement of the balance of the said account duly audited and certified by the chairman of the commissioners, directors, trustees, or other parties aforesaid, and also by the auditors thereof; and that a copy of such annual account be transmitted, free of charge, to the clerk of the peace (or in Scotland to the sheriff clerk) for the county, or to the clerk of the city or borough within which the chief office for the management of such funds shall be situated, on or before the 31st day of <i>January</i> in each year, under a sufficient penalty for not preparing and sending in the said account, to be levied by summary process; the said account to be open at all seasonable hours to the inspection of the public upon payment of a fee.
LXXVIII. That where the level of any road shall be altered in making any public work, the ascent of any	

turnpike road shall not be more than one foot in 30 feet; and of any other public carriage road not more than one foot in 20 feet; and that a good and sufficient fence, of four feet high at the least, shall be made on each side of every bridge which shall be erected.

LXXIX. That every plan, and book of reference thereto, which shall be produced in evidence before the committee upon any private bill (whether the same shall have been previously lodged in the Private Bill Office, or not,) shall be signed by the chairman of such committee with his name at length; and he shall also mark with the initials of his name every alteration of such plan and book of reference, which shall be agreed upon by the said committee; and every such plan and book of reference shall thereafter be deposited in the Private Bill Office.

LXXX. That the chairman of the committee do sign, with his name at length, a printed copy of the bill (to be called the Committee Bill), on which the amendments are to be fairly written; and also sign, with the initials of his name, the several clauses added in the committee.

LXXXI. That the chairman of the committee upon every private bill shall report to the House, that the allegations of the bill have been examined; and whether the parties concerned have given their consent (where such consent is required by the standing orders) to the satisfaction of the committee.

LXXXII. That every committee to whom any private bill shall have been referred, shall report the bill to the House, whether such committee shall or shall not have agreed to the preamble, or gone through the several clauses, or any of them; and when any alteration shall have been made in the preamble of the bill, such alteration, together with the ground of making it, shall be specially stated in the report.

LXXXIII. That the minutes of the committee on every private bill be brought up and laid on the table of the House, with the report of the bill.

Railway Bills.

LXXXIV. That in the case of a railway bill, no company shall be authorized to raise, by loan or mort-

Restrictions as to mort-gage.

gage, a larger sum than *one-third* of their capital; and that, until *fifty per cent.* on the whole of the capital shall have been paid up, it shall not be in the power of the company to raise any money by loan or mortgage.

Limiting ascent of roads where level is altered.

LXXXV. That where the level of any road shall be altered in making any railway, the ascent of any turnpike road shall not be more than one foot in 30 feet, and of any other public carriage-road not more than one foot in 20 feet, unless a report from some officer of the railway department of the Board of Trade shall be laid before the committee on the bill, recommending that steeper ascents than the above may be allowed, with the reasons and facts upon which such opinion is founded, and the committee shall report in favour of such recommendation: Also, that a good and sufficient fence, of four feet high at the least, shall be made on each side of every bridge which shall be erected.

Railway not to cross roads on a level unless committee report, &c.

LXXXVI. That no railway whereon carriages are propelled by steam, or by atmospheric agency, or drawn by ropes in connexion with a stationery steam-engine, shall be made across any turnpike-road or other public carriage-way on the level, unless the committee on the bill report that such a restriction ought not to be enforced, with the reasons and facts upon which their opinion is founded.

Capital.

1. The proposed capital of the company formed for the execution of the project, and the amount of any loans which they may be empowered to raise by the bill.

Shares, &c.

2. The amount of shares subscribed for, and the deposits paid thereon.

Names, &c., of directors.

3. The names and places of residence of the directors or provisional committee, with the amount of shares taken by each.

Local shareholders.

4. The number of shareholders who may be considered as having a local interest in the line, and the amount of capital subscribed for by them.

Other parties, &c.

5. The number of other parties, and the capital taken by them.

6. The number of shareholders subscribing for 2,000*l.* Subscribers for 2,000*l.* and upwards, with their names and residences, and the amount for which they have subscribed. and upwards.

7. The sufficiency or insufficiency for agricultural, commercial, manufacturing, or other purposes, of the present means of conveyance, and of communication between the proposed termini, stating the present amount of traffic by land or water, the average charges made for passengers and goods, and time occupied. Present means of conveyance.

8. The number of passengers, and the weight and description of the goods expected upon the proposed railway. Passengers, &c. expected.

9. The amount of income expected to arise from the conveyance of passengers and goods, and in what proportion; stating also generally the description of goods from which the largest revenue is anticipated. Income expected.

10. Whether the proposed railway be a complete and integral line between the termini specified, or a part of a more extended plan now in contemplation, and likely to be hereafter submitted to Parliament, and to what extent the calculations of remuneration depend on such contemplated extension of the line. Whether railway be a complete line, or part of a more extended plan.

11. Whether any report from the Board of Trade in regard to the bill, or the objects thereby proposed to be authorized, has been referred by the House to the committee, and if so, whether any and what recommendations contained in such report have been adopted by the committee, and whether any and what recommendations contained in such report have been rejected. Whether report from Board of Trade has been referred to committee, &c.

12. What planes on the railway are proposed to be worked, either by assistant engines, stationary or locomotive, with the respective lengths and inclinations of such planes. Assistant engines.

13. Any peculiar engineering difficulties in the proposed line, and the manner in which it is intended they should be overcome. Engineering difficulties.

14. The length, breadth, and height, and means of ventilation, of any proposed tunnels, and whether the strata through which they are to pass are favourable or otherwise. Ventilation of tunnels.

15. Whether in the lines proposed, the gradients and curves are generally favourable or otherwise, and the and curves. Gradients and curves.

steepest gradient, exclusive of the inclined planes above referred to, and the smallest radius of a curve.

Length of line.

16. The length of the main line of the proposed railway, and of its branches respectively.

Passing highways on a level.

17. Whether it be intended that the railway should pass on a level any turnpike road or highway, and if so, to call the particular attention of the House to that circumstance.

Estimates.

18. The amount of the estimates of the cost or other expenses to be incurred up to the time of the completion of the railway, and whether they appear to be supported by evidence, and to be fully adequate for the purpose.

Annual expenses.

19. The estimated charge of the annual expenses of the railway when completed, and how far the calculations on which the charge is estimated have been sufficiently proved.

Revenue in reference to annual charge.

20. Whether the calculations proved in evidence before the committee have satisfactorily established that the revenue is likely to be sufficient to support the annual charges of the maintenance of the railway, and still allow profit to the projectors.

Assents.

21. The number of assents, dissent, and neutrals upon the line, and the length and amount of property belonging to each class traversed by the said railway, distinguishing owners from occupiers; and in the case of any bill to vary the original line, the above particulars with reference to such parties only as may be affected by the proposed deviation.

Engineers examined.

22. The name of each engineer examined in support of the bill, and of any examined in opposition to it.

Petitions in opposition.

23. The main allegations of every petition which may have been referred to the committee in opposition to the preamble of the bill, or to any of its clauses; and whether the allegations have been considered by the committee, and if not considered, the cause of their not having been so.

Fitness in an engineering point of view, and any other circumstances.

And the committee shall also report generally as to the fitness, in an engineering point of view, of the projected line of railway, and any circumstances which, in the opinion of the committee, it is desirable the House should be informed of.

LXXXVIII. *Resolved*, That in all railway bills there be inserted the following clauses, except where the same objects shall have been provided for in some general Act applicable to the undertaking intended to be authorized by the bill :—

“And be it further enacted, That it shall not be lawful for the said company to proceed in the execution of the said railway hereinbefore authorized to be made, unless the said company shall have, previously to the commencement of such work, deposited with the clerk of the peace of the several counties in England or Ireland, and in the office of the principal sheriff clerk in every county in Scotland, in or through which the said railway hereby authorized to be made is intended to pass, a plan and section of all such alterations from the original plan and section as shall have been approved of by Parliament, on the same scale, and containing the same particulars as the original plan and section of the railway ; and also with the clerks of the several parishes in England, the schoolmasters of the several parishes in Scotland (or in royal burghs with the town-clerk), and the clerks of the Unions in which such parishes are included, in Ireland, in or through which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively, and all persons interested shall have liberty to inspect and make extracts from or copies of the said plans and sections, or extracts or copies thereof, paying to the officer having the custody of such plan and section, or of such extract or copy, the sum of one shilling for every such inspection, and after the rate of sixpence for every one hundred words copied therefrom.

“And be it further enacted, That in making the said railway it shall not be lawful for the said company to deviate from the levels of the said railway, as referred to the common datum line described in the section so approved of by Parliament, and as marked on the same, to any extent exceeding in any place five feet, or in passing through towns two feet, without the consent of the owners, lessees, and occupiers of the land in, through, or over which such deviation is intended to be made ; or in case any street or public carriage-road shall be affected by such deviation, then the same shall not be made without the consent of the trustees or commis-

Limiting de-
viations from
datum line.

sioners, or if there be no such trustees or commissioners, without the consent of two or more justices of the peace in petty sessions assembled for that purpose, and acting for the district in which such street or public carriage-road may be situated, or without the consent of the commissioners for any public sewers, or the proprietors of any canal or navigation affected by such deviation: Provided always, That it shall be lawful for the company to deviate from the said levels to a further extent without such consent as aforesaid, by lowering solid embankments or viaducts, provided that the requisite height of headway prescribed by Act of Parliament be left for roads, streets, or canals passing under the same.

Arches and
viaducts as
marked on
plan and sec-
tion, to be
made, &c.

“ And be it further enacted, That where in any place it is intended to carry the railway on an arch or arches, or other viaduct, as marked on the said plan or section, the same shall be made accordingly; and where a tunnel is marked on the said plan or section as intended to be made at any place, the same shall be made accordingly, unless the owners, lessees, and occupiers of the land in or through which such tunnel is intended to be made shall consent that the same shall not be so made: Provided always, That notice of every petty sessions to be holden for the purpose of obtaining such consent as is hereinbefore required, shall, fourteen days previous to the holding of such petty sessions, be given in some newspaper circulating in the county, and also be affixed upon the church-door of the parish in which such deviation or alteration is intended to be made, or if there be no church, some other place to which notices are usually affixed; and provided also, That, for the purpose of consenting to any deviations from the said sections, and to any tunnelling or arching as aforesaid, the word “owners” shall be deemed and taken to mean such persons as are herein capacitated to agree for the sale of, and to convey land for the making of the said railway; and the consent of such persons, with or without the consent of any other persons interested as owners in the said lands, shall be deemed and taken to be sufficient for such purposes.

Limiting
deviations
from gradi-
ents, curves,
tunnels, &c.

“ And be it further enacted, That it shall not be lawful for the said company to deviate from or alter the gradients, curves, tunnels, or other engineering

works described in the said plan or section, except within the following limits, and under the following conditions, viz :—

“ Subject to the above provisions in regard to altering levels, it shall be lawful for the company to diminish the inclination or gradients of the said railway to any extent, and to increase the said inclination or gradients as follows ; (that is to say) in gradients of an inclination not exceeding one in a hundred to any extent not exceeding ten feet per mile, or to any further extent which shall be certified by the lords of the committee of privy council for trade to be consistent with public safety, and not prejudicial to public interests; and in gradients of or exceeding the inclination of one in a hundred to any extent not exceeding three feet per mile, or to any further extent which shall be so certified by the lords of the said committee as aforesaid :

“ It shall be lawful for the company to diminish the radius of any curve described in the said plan, to any extent which shall leave a radius of not less than half a mile, or to any further extent authorized by such certificate as aforesaid, from the lords of the said committee :

“ It shall be lawful for the company to make a tunnel, not marked on the said plan or section, instead of a cutting, or a viaduct instead of a solid embankment, if authorized by such certificate as aforesaid from the lords of the said committee.”

ORDER APPLICABLE TO SUCH RAILWAY BILLS AS SHALL HAVE BEEN ORDERED TO BE ENGRAVED IN SESSION 1845.

LXXXVIII. a. “ That the committee on any such bill do examine whether the bill be in every respect the same as such former bill at the last stage of its proceeding in this House in the session of 1845, and that in such case no evidence shall be received by such committee ; but that on the reception and adoption by the House of a report from such committee, that the bill referred to them is in every respect the same as such former bill at the last stage of its proceeding in this House in the session of 1845, such bill may be ordered to be engrossed without any further proceeding in respect thereof.”

Committee
to examine
whether bill
be the same
as that in
1845.

Letters Patent.

Copy of letters patent to be annexed to the bill. LXXXIX. That when any bill shall be brought into the House, for confirming of letters patent, there be a true copy of such letters patent annexed to the bill.

Inclosure and Drainage Bills.

Notices and allegations.

Gen. Inc. Act.

Consent bill and statement of property to be delivered in.

Consent bill and statement of property to be delivered in.

XC. That in the case of any bill for inclosing lands, the committee may admit proof of the notices required by the standing orders, and of the allegations in the preamble of such bill, by affidavit taken and authenticated, according to the form prescribed in the schedule to the general inclosure act (41 Geo. 3. c. 109,) unless such committee shall otherwise order.

XCI. That the committee on every bill for inclosing lands shall in the first place require the agent for the same to deliver in to the committee a printed copy of the bill, signed by the lord of the manor, (in cases where the lord of the manor has any interest as such in the lands to be inclosed) and by such owners of property within the parish to which the bill relates as shall have assented thereto ; but that the parties, if they shall think fit, be permitted to deliver in different copies of the bill, separately signed by the several parties hereinbefore mentioned, instead of one copy, signed by all of them collectively ; together with a list of all the owners of property within such parish, showing the value according to the poor rate or land tax assessment of each owner's property therein, and distinguishing which of them have assented, dissented, or are neuter in respect thereto.

XCII. That the committee on every bill for draining lands shall in the first place require the agent for the same to deliver in to the committee a printed copy of the bill, signed by such owners and occupiers of property within the parish to which the bill relates as shall have assented thereto ; but that the parties, if they shall think fit, be permitted to deliver in different copies of the bill, separately signed by the several parties hereinbefore mentioned, instead of one copy signed by all of them collectively ; together with a list of all the owners of property within such parish, showing the value according to the poor rate or land tax assessment of each owner's property therein, and distinguishing which of them have assented, dissented, or are neuter in respect thereto.

XCIII. That in every bill for inclosing lands, provision be made for leaving an open space in the most appropriate situation, sufficient for purposes of exercise and recreation of the neighbouring population; and that the committee on the bill have before them the number of acres proposed to be inclosed, as also of the population in the parishes or places in which the land to be inclosed is situate; and also do see that provision is made for the efficient fencing of the allotment, for the investment of the same in the churchwardens and overseers of the parish in which such open space is reserved, and for the efficient making and permanent maintenance of the fences by such parish; and that in any case where the information hereby required is not given, and the required provisions are not made in the bill, the committee on the same do report specially to the House the reasons for not complying with such order.

XCIV. That in every bill for inclosing lands, the names of the commissioners proposed to be appointed, and the compensation intended for the lord of the manor, and the owners of tithes, in lieu of their respective rights, and also the compensation intended to be made for the enfranchisement of copyholds, where any bargains or agreements have been made for such compensations, be inserted in the copy of the bill presented to the House: And that all copies of such bills which shall be sent to any of the persons interested in the said manor, tithes, lands or commons, for their consent, do contain the names of such proposed commissioners, and also the compensations so bargained or agreed for.

XCV. That no person shall be named in any bill for inclosing lands as a commissioner, umpire, surveyor, or valuer, who shall be interested in the inclosure to be made by virtue of such bill; or the agent ordinarily intrusted with the care, superintendence, or management of the estate of any person so interested.

XCVI. That in every bill for inclosing, draining, or improving lands there be inserted a clause, providing what sum of money in the whole, or by the day, shall be paid to each of the commissioners to be appointed by such bill, in satisfaction of the expense and trouble which he shall incur in the execution of the powers thereby given; and that there be also inserted in such bill a

Clause for
leaving open
space for
exercise and
recreation.

to contain
names of
commissioners,
and compen-
sations for
manorial
rights, tithes,
and enfran-
chisements.

Disqualifica-
tion of cer-
tain persons
as commis-
sioners, sur-
veyors, &c.

Clauses for
settling pay
of commis-
sioners, and
passing their
accounts.

clause, providing that the account of such commissioner or commissioners, containing a true statement of all sums by him or them received and expended or due to him or them for their own trouble or expenses, shall, at least once in every year, from the date of the passing of the act till such accounts shall be finally allowed, together with the vouchers relating to the same, be examined by some person or persons to be appointed by the bill, and the balance by him or them stated in the book of accounts required to be kept in the office of the clerk of such commissioners; and that no charge or item in such accounts shall be binding on the parties concerned, or be valid in law, unless the same shall be duly allowed by such person or persons.

Turnpike Roads (Ireland).

Clause for qualification of commissioners.

XCVII. That in every bill for making a turnpike road in Ireland, or for the continuing or amending any Act passed for that purpose, or for the increase or alteration of the existing tolls, rates or duties upon any such road, or for widening or diverting any such road, a clause be inserted, to prevent any person who shall be nominated a commissioner, from acting or voting in the business of the said turnpike, unless he shall be possessed of an estate in land, or of a personal estate, to such certain value as shall be specified in such bills; and that such qualification be extended to the heirs apparent of persons possessed of an estate in land to a certain value to be specified.

DUTY OF SELECT COMMITTEE ON DIVORCE BILLS.

What evidence to be given in divorce cases.

XCVIII. That the select committee on divorce bills shall require evidence to be given before them that an action for damages has been brought in one of her Majesty's Courts of Record at Westminster, or in one of her Majesty's Courts of Record in Dublin, or in one of her Majesty's Supreme Courts of Judicature of the presidencies of Calcutta, Madras, Bombay, or the island of Ceylon, respectively, against the persons supposed to have been guilty of adultery, and judgment for the plaintiff had thereupon; or sufficient cause to be shown

to the satisfaction of the said committee why such action was not brought, or such judgment was not obtained.

XCIX. That the select committee on divorce bills shall, in all cases in which the petitioner for the bill has attended the House of Lords upon the second reading of the bill, require him to attend before them to answer any questions they may think fit that he should answer.

C. That the select committee on divorce bills shall report every such bill to the House, whether such committee shall or shall not have agreed to the preamble, or gone through the several clauses, or any of them.

PRACTICE OF THE HOUSE WITH REGARD TO PRIVATE BILLS.

CI. That no private bill be brought into this House, but upon a petition first presented, with a printed copy of the proposed bill annexed: and that such petition be signed by the parties, or some of them, who are suitors for the bill.

CII. That all petitions for private bills be presented within *fourteen* days after the *first Friday* in every session of Parliament.

CII. *a.* That a declaration, in writing, signed by the agent for the proposed bill (or some one of such agents), shall be annexed to such petition, stating to which of the three classes of bills such bill in his judgment belongs; and if the proposed bill shall give power to effect any of the following objects; that is to say:—

Special notice required under standing order. 17. Power to take any lands or houses compulsorily, or to extend the time granted by any former Act for that purpose:

16. Power to levy tolls, rates or duties, or to alter any existing tolls, rates or duties; or to confer, vary or extinguish any exemption from payment of tolls, rates or duties, or any other right or privilege:

18. Power to interfere with any crown, church or corporation property held in trust for public or charitable purposes:

20, 21. Power to make a burial-ground :

36. Power to relinquish any part of a work authorized by a former Act :

37. Power to divert into any intended cut, canal, reservoir, aqueduct or navigation, or into any intended variation, extension or enlargement thereof respectively, any water from any existing cut, canal, reservoir, aqueduct or navigation, whether directly or derivatively, and whether under any agreement with the proprietors thereof, or otherwise :

38. Power to make, vary, extend, or enlarge any cut, canal, reservoir, aqueduct or navigation : Particular plans required.

39 to 43. Power to make, vary, extend, or enlarge any railway. Special regulations affecting railways.

The said declaration shall state which of such powers are given by the bill, and shall indicate in which clauses of the bill (referring to them by their number) such powers are given, and shall further state that the bill does not give power to effect any of the objects enumerated in this order, other than those stated in the declaration.

If the proposed bill shall not give power to effect any of the objects enumerated in the preceding order, the said declaration shall state that the bill does not give power to effect any of such objects.

And that a copy of such declaration be deposited at the office of the Board of Trade.

Petitions for private bills, &c., and Lords' bills to be referred to committee on petitions.

CIII. That all petitions for private bills, with their annexed bills and agent's declarations, and all petitions for additional provision in private bills, with the proposed clauses annexed, and all estate bills brought from the House of Lords, after having been read a first time, shall be referred to the select committee on petitions for private bills.

Time between presentation of petition and meeting of sub-committee.

CIV. That there be *seven* clear days between the day on which the petition for any private bill relating to *England* shall be presented, and the day on which the sub-committee shall sit thereupon; and *ten* days in case such bill shall relate to *Scotland* or *Ireland*.

CV. That all reports of the select committee on petitions for private bills, in which they shall report that the standing orders have not been complied with, be referred to the select committee on standing orders.

CVI. That all petitions for leave to dispense with any of the sessional orders of the House relating to private bills, be referred to the select committee on standing orders.

CVII. That every private bill, printed on paper, of a size to be determined upon by Mr. Speaker, be presented to the House, with a cover of parchment attached to it, upon which the title of the bill is to be written ; and the short title of the bill, as first entered on the votes, shall be in accordance with the subject matter of the bill, and shall not be changed unless by special order of the House.

CVIII. That the proposed amount of all rates, tolls, and other matters heretofore left blank in any private bill when presented to the House, be inserted in *italics* in the printed bill.

CIX. That every private bill (except name and naturalization bills) be printed ; and printed copies thereof delivered to the doorkeepers for the use of the members before the first reading.

CX. That there be *three clear days* between the first and second reading of every private bill.

CXI. That this House will not receive any petition complaining solely of a non-compliance with the standing orders of the House in respect of any private bill, subsequently to the second reading of such bill, unless in the case of those standing orders which must necessarily be taken into consideration by the committee on the bill.

CXI. a. That on every petition presented to this House, relating to any private bill before the House, the name or short title by which such bill is entered in the votes, be written at the beginning thereof ; and whether such petition be in favour or against the bill, or relating to the non-compliance with the standing orders.

CXII. That no private bill be read a *second time*, until after the expiration of *two calendar months* from

Reports that standing orders have not been complied with, to be referred to committee on standing orders.

Petitions for leave, &c. to be referred to committee on standing orders.

Printed bill to be presented.

Rates, tolls, and other matters to be inserted in *Italics*.

What bills to be printed, and when.

Time between first and second reading.

No petition complaining of standing orders—subsequent to second reading of bills.

Name of bill to be written on every petition for or against the same.

Second reading not to take place till

two months after last notice. the day the last notice shall have been given in the newspaper.

Breviate to be prepared. CXIII. That a breviate of every private bill (except divorce, name, naturalization, and estate bills, brought from the House of Lords, and not relating to crown, church, or corporation property, or property held in trust for public or charitable purposes) be prepared under the direction of Mr. Speaker, and that such breviate shall contain a statement of the object of the bill and a summary of the proposed enactments, and shall state any variation from the general law which will be effected by the bill.

Breviate to be laid on table three days before second reading of bill. CXIV. That no private bill be read a *second* time until *three clear days* after the breviate thereof shall have been laid on the table of the House, and have been printed.

When fees to be paid. CXV. That no private bill, or clause, for the particular interest or benefit of any person or persons, county or counties, corporation or corporations, or body or bodies of people, be read a second time, unless fees be paid for the same.

Bills referred to committee of selection. CXVI. That every private bill, not being a divorce bill, after having been read a second time and committed, shall be referred to the committee of selection; and every divorce bill shall be referred to the select committee on divorce bills.

Time between second reading and committee. CXVII. That there be *seven clear days* between the second reading of every private bill, and the sitting of the committee thereupon.

CXVII. *a.* That in the case of railway bills, if any report made under the authority of the Board of Trade upon any bill, or the objects thereof, be laid before the House, such report shall be referred to the committee on the bill.

Report of bill when printed as amended, to lie on table. CXVIII. That the report upon every private bill ordered to be printed as amended in committee, shall lie upon the table.

Breviates of bills amended in committee. CXIX. That a breviate of the amendments made in every committee on a private bill be submitted to the

chairman of the committee of ways and means, and also to be laid before chairman of ways and means, &c.
laid upon the table of the House at least the day previous to the consideration of the report of such bill.

CXX. That every private bill, as amended in committee, excepting in the cases wherein the committee shall report the amendments to be merely verbal or literal, be printed at the expense of the parties applying for the same; and be delivered to the door-keepers for the use of the members, *three clear days* at least before the consideration of the report.

CXXI. That when any clause or amendment is offered upon the report, or the consideration of the report, or the third reading of any private bill, such clause or amendment shall be referred to the select committee on standing orders: That such clause shall be printed: and when any clause is proposed to be amended, it shall be printed *in extenso*, with every addition or substitution in different type, and the omissions therefrom included in brackets.

CXXII. That when any clause or amendment upon the report, or the consideration of the report, or the third reading of any private bill, shall have been referred to the select committee on standing orders, no further proceeding on either of such stages shall be had until the report of the said select committee shall have been brought up.

CXXIII. That in order to afford opportunity for the proper discussion of the *reports on railway bills* included in the second class, this House will upon *every Tuesday* and *Thursday* proceed to the consideration of reports on such bills.

CXXIV. That no private bill shall pass through two stages on one and the same day without the special leave of the House.

CXXV. That (except in cases of urgent and pressing necessity) no motion be made to dispense with any sessional or standing order of the House without due notice thereof.

**ORDER APPLICABLE TO SUCH RAILWAY BILLS AS SHALL
HAVE BEEN ORDERED TO BE ENGRAVED IN SESSION
1845.**

Time between second reading and committee on bill. CXXV. *a.* “That the time between the second reading of any such bill which shall be brought in in the Session of 1846, and the meeting of the committee thereon, be shortened to three clear days, the parties giving the regular notices in the Private Bill Office.”

PRACTICE IN THE PRIVATE BILL OFFICE.

Private Bill Office and Register.

CXXVI. That a book, to be called “THE PRIVATE BILL REGISTER,” be kept in a room, to be called “THE PRIVATE BILL OFFICE,” in which book shall be entered by the clerks appointed for the business of that office, the name, description and place of residence of the parliamentary agent in town, and of the agent in the country (if any) soliciting the bill; and all the proceedings, from the petition to the passing of the bill:—such entry to specify, briefly, each day’s proceeding in the House, or in any committee to which the bill or petition may be referred; the day and hour on which the committee is appointed to sit; the day and hour to which such committee may be adjourned, and the name of the committee clerk. Such book to be open to public inspection daily, in the said office, between the hours of eleven and six.

**Plans, &c.
to be lodged.**

CXXVII. That all plans, sections, books of reference, lists of owners and occupiers, estimates, copies of the subscription contracts, and declarations required by the standing orders of the House, be lodged in the Private Bill Office; and that the receipt thereof be acknowledged accordingly, by one of the clerks of the said office, upon the said documents, and upon the petition, before it is presented.

**Copy of bill annexed to petition, &c.
to be deposited in Private Bill Office.**

CXXVIII. That a copy of every bill annexed to a petition and agent’s declaration be deposited in the Private Bill Office on the day of the presentation of the petition to the House; and that such bill and declaration be open to the inspection of all parties.

CXXIX. That *seven clear days'* notice in writing be given by the agent for the bill to the clerks in the Private Bill Office of the meeting of any *sub-committee* on a petition for a private bill, and *one clear day's* notice of the meeting of any sub-committee on a petition for additional provision, or on an estate bill brought from the House of Lords; and that no such notices respectively be given until after such petition shall have been presented, or such estate bill read a first time.

CXXX. That *one clear day's* notice in writing be given by the agent for the bill, to the clerks in the Private Bill Office, of the postponement of the first meeting of any sub-committee on a petition for a private bill, or on a petition for additional provision, or on an estate bill brought from the House of Lords.

CXXXI. That after each private bill has been read the first time, its name (or short title) shall be copied by the clerks of the Private Bill Office, from the clerk's minute book of the day, into a separate book, to be called "THE EXAMINATION BOOK;"—wherein shall be noted the number of such bill, according to the priority of its being read, and the date of the day of such first reading.

CXXXII. That every private bill, after it has been read the first time and the title copied and examined for the votes, be in the custody of the clerks of the Private Bill Office, until laid upon the table for the second reading; and when committed, be taken by the proper committee clerk into his charge, till reported.

CXXXIII. That between the first and second reading of every private bill, every such bill shall, according to its priority, be examined, with all practicable despatch, by the clerks of the Private Bill Office, as to its conformity with the rules and standing orders of the House; and if *not* in due form, the examining clerk shall specify thereon the page in which any irregularity occurs, and shall enter the day of such examination, together with his own name, in the examination book.

CXXXIV. That *three clear days'* notice in writing be given by the agent for the bill, to the clerks in the Private Bill Office, of the day proposed for the second reading of every private bill.

Notice of committee.

CXXXV. That *seven clear days'* notice, and in the case of a re-committed bill, *three clear days'* notice, in writing, be given by the agent for the bill, to the clerks in the Private Bill Office, of the day and hour appointed for the meeting of the committee on every private bill; and that all the proceedings of any committee of which such notice shall not have been given, be void.

Filled-up bill,
to be deposited in Pri-
vate Bill
Office.

CXXXVI. That a filled-up bill, signed by the agent for the bill, as proposed to be submitted to the committee on the bill, and in the case of a re-committed bill, a filled-up bill, as proposed to be submitted to the committee on re-committal, be deposited in the Private Bill Office one clear day before the meeting of the committee on every private bill; and that all parties shall be entitled to a copy thereof, upon payment of the charges for making out amendments of such bill.

Notice of postpone-
ment.

CXXXVII. That notice, in writing, be given by the clerk to the committee of selection, to the clerks in the Private Bill Office, of the postponement of the first meeting of any committee on a private bill, on the day on which such postponement is made.

Notice of ad-
journment.

CXXXVIII. That notice, in writing, be given by the committee clerk to the clerks in the Private Bill Office, of the day and hour to which each committee is adjourned.

Notice of re-
port and of
consideration
of report.

CXXXIX. That *one clear day's* notice, in writing, be given by the agent for the bill, to the clerks in the Private Bill Office, of the day proposed for the report of every private bill, and also for the consideration of the report of every private bill ordered to lie upon the table.

Bill as
amended in
committee to
be delivered
in.

CXL. That the committee clerk, after the report is made out, do deliver in to the Private Bill Office a printed copy of the bill, with the written amendments made in the committee; in which bill, all the clauses added by the committee shall be regularly marked in those parts of the bill wherein they are to be inserted.

Notice to be
given of
clauses, &c.
on report, or
on considera-

CXLI. That when it is intended to bring up any clause or to propose any amendment on the report, or the consideration of the report, or on the third reading of any private bill, notice shall be given thereof, in the

Private Bill Office, on the day previous to such report, or consideration of the report, or third reading. tion of report, or third reading.

CXLII. That *one* clear *day's* notice, in writing, be given by the agent for the bill, to the clerks in the Private Bill Office, of the day proposed for the *third reading* of every private bill; and that no such notice be given until after the bill to which it relates shall have been reported, or the report thereof considered. Notice of third reading.

CXLIII. That the amendments (if any) which are made upon the report, or consideration of the report, and on the third reading of any private bill, and also such amendments made by the House of Lords as shall have been agreed to by this House, be entered by one of the clerks in the Private Bill Office, upon the printed copy of the bill as amended in committee; which clerk shall sign the said copy so amended, in order to its being deposited and preserved in the said office. Amendments on report, or consideration of report, and third reading.

CXLIV. That to insure the accuracy of the ingrossment of all private bills, the clerk of the House be required to provide a sufficient number of clerks, to be called EXAMINERS of INGROSSMENTS. Examination of ingrossments.

CXLV. That no private bill be read a third time until a certificate is indorsed upon the paper bill, and signed by one or more of the examiners of ingrossments, declaring that the ingrossment thereof has been examined, and agrees with the bill, as amended in committee, and on the consideration of the report. Certificate of examination.

CXLVI. That when amendments made by the House of Lords to any private bill sent up to them are to be taken into consideration, notice be given thereof in the Private Bill Office, the day previous to the same being proposed to be taken into consideration. Notice of consideration of Lords' amendments.

CXLVII. That all *notices* required to be given in the Private Bill Office be delivered in the said office before *six* of the clock in the *evening* of any day on which the House shall sit, and before *two* of the clock on any day on which the House shall not sit; and that after any day on which the House shall have adjourned, no notice shall be given for the first day on which it shall again sit. Time for delivering notices.

50 APPENDIX.—STANDING ORDERS.

Daily lists of
committees
sitting.

CXLVIII. That the clerks in the Private Bill Office do prepare, daily, lists of all private bills, and petitions for private bills upon which any committee is appointed to sit; specifying the hour of meeting; and the room where the committee shall sit; and that the same be hung up in the lobby of the House.

Plans to be
verified as
Mr. Speaker
shall direct.

CXLI. That every plan, and book of reference thereto, which shall be certified by the Speaker of the House of Commons, in pursuance of any Act of Parliament, shall previously be ascertained, and verified in such manner as shall be deemed most advisable by the Speaker, to be exactly conformable in all respects to the plan and book of reference which shall have been signed by the chairman of the committee upon the bill.

J. H. LEY,
Cl. Dom. Gom.
Veneris 8^o Die Augusti,
1845.

APPENDIX.

[FORM referred to in page 13.]

(A.)

No.

SIR,

We beg to inform you, that application is intended to be made to Parliament in the ensuing session for "An Act". [here insert the title of the Act], and that the property mentioned in the annexed schedule, or some part thereof, in which we understand you are interested as therein stated, will be required for the purposes of the said undertaking, according to the line thereof as at present laid out, or may be required to be

taken under the usual powers of deviation to the extent of yards on either side of the said line which will be applied for in the said Act, and will be passed through in the manner mentioned in such schedule.

We also beg to inform you, that a plan and section of the said undertaking, with a book of reference thereto, has been or will be deposited with the several clerks of the peace of the counties of [*specify the counties in which the property is situate*], on or before the 30th of November, and that copies of so much of the said plan and section as relates to the parish in which your property is situate, with a book of reference thereto, has been or will be deposited for public inspection with the clerk of the said parish, schoolmaster of the parish, town clerk of the royal burgh, or the clerk of the union in which such parish is included [*as the case may be*], on or before the 31st day of December instant, on which plans your property is designated by the numbers set forth in the annexed schedule.

As we are required to report to Parliament whether you assent to or dissent from the proposed undertaking, or whether you are neuter in respect thereto, you will oblige us by writing your answer of assent, dissent or neutrality in the form left herewith, and returning the same to us with your signature on or before the day of next; and if there should be any error or misdescription in the annexed schedule, we shall feel obliged by your informing us thereof, at your earliest convenience, that we may correct the same without delay.

We are, sir,

Your most obedient servants,

To

APPENDIX.—STANDING ORDERS.

SCHEDULE referred to in the foregoing Notice, and which is intended to show the Property therein alluded to, and the Manner in which the Line of the deposited Section will affect the same.

	Parish, Township, Townland, or Extra-parochial Place.	Number on Plans.	Description.	Owner.	Leasee.	Occupier.	Description of the Sec- tion of the Line de- posited, and of the Greatest Height of Bankment and Depth of Cutting.
Property in the Line as at pre- sent laid out.							
Property within the Limits of the Deviation intended to be applied for.	Parish, Township, Townland, or Extra-parochial Place.	Number on Plans.	Description.	Owner.	Leasee.	Occupier.	

APPENDIX (B).

ANNO PRIMO VICTORIÆ REGINÆ.

CAP. 83.

AN ACT to compel Clerks of the Peace for counties and other persons to take the custody of such documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament.

WHEREAS the Houses of Parliament are in the habit of requiring that, previous to the introduction of any bill into Parliament for making certain bridges, turnpike-roads, cuts, canals, reservoirs, aqueducts, waterworks, navigations, tunnels, archways, railways, piers, ports, harbours, ferries, docks, and other works, to be made under the authority of Parliament, certain maps or plans and sections, and books and writings, or extracts or copies of or from certain maps, plans, or sections, books and writings, shall be deposited in the office of the clerk of the peace for every county, riding, or division in England or Ireland, or in the office of the sheriff clerk of every county in Scotland, in which such work is proposed to be made, and also with the parish clerk in every parish in England, the schoolmaster of every parish of Scotland, or, in royal burghs, with the town clerk, and the post-master of the post town in or nearest to every parish in Ireland, in which such work is intended to be made, and with other persons: And whereas it is expedient that such maps, plans, sections, books, writings, and copies or extracts of and from the same, should be received by the said clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, postmasters, and other persons, and should remain in their custody for the purposes hereinafter mentioned; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That whenever either of the Houses of Parliament shall by its standing orders, already made or hereafter to be made, require that any such maps, plans, sections, books, or writings, or extracts or copies of the same, or any of them, shall be deposited as aforesaid, such maps, plans, sections, books, writings, copies and extracts shall be received by and shall remain

Clerks of the
Peace, &c.
to receive the
documents
herein men-
tioned, and
retain them
for the pur-
poses directed
by the stand-
ing orders of

the Houses of Parliament.

with the clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, postmasters, and other persons with whom the same shall be directed by such standing orders to be deposited, and they are hereby respectively directed to receive and to retain the custody of all such documents and writings so directed to be deposited with them respectively, in the manner and for the purposes and under the rules and regulations concerning the same respectively directed by such standing orders, and shall make such memorials and endorsements on and give such acknowledgments and receipts in respect of the same respectively as shall be thereby directed.

Clerks of the Peace, &c. to permit such documents to be inspected or copied by persons interested.

II. And be it further enacted, That all persons interested shall have liberty to, and the said clerks of the peace, sheriff clerks, parish clerks, schoolmasters, town clerks, and postmasters, and every of them, are and is hereby required, at all reasonable hours of the day, to permit all persons interested to inspect during a reasonable time and make extracts from or copies of the said maps, plans, sections, books, writings, extracts and copies of or from the same, so deposited with them respectively, on payment by each person to the clerk of the peace, sheriff clerk, clerk of the parish, schoolmaster, town clerk, or postmaster, having the custody of any such map, plan, section, book, writing, extract, or copy, one shilling for every such inspection, and the further sum of one shilling for every hour during which such inspection shall continue after the first hour, and after the rate of sixpence for every one hundred words copied therefrom.

Clerks of the Peace, &c. for every omission to comply with the provisions of this Act, liable to the penalty of 5*l.*, to be recovered in a summary way.

III. And be it further enacted, That in case any clerk of the peace, sheriff clerk, parish clerk, schoolmaster, town clerk, postmaster, or other person, shall in any matter or thing refuse or neglect to comply with any of the provisions hereinbefore contained, every clerk of the peace, sheriff clerk, parish clerk, schoolmaster, town clerk, postmaster, or other person, shall, for every such offence, forfeit and pay any sum not exceeding the sum of five pounds; and every such penalty shall, upon proof of the offence before any justice of the peace for the county within which such offence shall be committed, or by the confession of the party offending, or by the oath of any credible witness, be levied and recovered, together with the costs of the proceedings for the recov-

very thereof, by distress and sale of the goods and effects of the party offending, by warrant under the hand of such justice, which warrant such justice is hereby empowered to grant, and shall be paid to the person or persons making such complaint; and it shall be lawful for any such justice of the peace to whom any complaint shall be made of any offence committed against this Act to summon the party complained of before him, and on such summons to hear and determine the matter of such complaint in a summary way, and on proof of the offence to convict the offender, and to adjudge him to pay the penalty or forfeiture incurred, and to proceed to recover the same, although no information in writing or in print shall have been exhibited or taken by or before such justice; and all such proceedings by summons without information shall be as good, valid, and effectual to all intents and purposes as if an information in writing had been exhibited.

APPENDIX (C).

ANNO PRIMO & SECUNDO VICTORIÆ
REGINÆ.

CAP. 117.

An Act to provide for the custody of certain moneys paid in pursuance of the Standing Orders of either House of Parliament by subscribers to works or undertakings to be effected under the authority of Parliament.

WHEREAS it is expedient to provide for the custody of any sums of money paid in pursuance of any standing order of the Lords Spiritual and Temporal in Parliament assembled, or of the Commons in Parliament assembled, by subscribers to works or undertakings to be made under the authority of an Act of Parliament; Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That in all cases in which any sum of money is required by any standing order of either House of Parliament, either now or hereafter to be in force, to be paid by the subscribers to any work or undertaking which is to be executed under the authority of an Act of Parliament, if the

Authority to deposit.

director or person or directors or persons having the management of the affairs of any such proposed work or undertaking, or any five of them, shall apply to the chairman of the committees of the House of Lords with respect to any such money required by any standing order of the Lords Spiritual and Temporal in Parliament assembled, or to the Speaker of the House of Commons with respect to any such money required by any standing order of the Commons in Parliament assembled, the said chairman, or the said Speaker may, by warrant or order under his hand, direct that such sum of money shall be paid in manner hereinafter mentioned; that is to say, into the Bank of England, in the name and with the privity of the Accountant-general of the Court of Exchequer in England, if the work or undertaking in respect of which the sum of money is required to be paid is intended to be executed in that part of the United Kingdom called England; or into the Bank of England in the name and with the privity of the said Accountant-general, or into any of the banks in Scotland established by Act of Parliament or Royal Charter in the name and with the privity of the Queen's Remembrancer of the Court of Exchequer in Scotland, at the option of the person or persons making such application as aforesaid, in case such work or undertaking is intended to be executed in that part of the United Kingdom called Scotland; or into the Bank of Ireland in the name and with the privity of the Accountant-general of the Court of Chancery in Ireland, in case such work is intended to be made or executed in that part of the United Kingdom called Ireland; and every such application as aforesaid to the said chairman or speaker shall be made in writing, and be signed by the director or directors, or person or persons having the management of the said work or undertaking, or by any five of them; and therein shall be stated the name or description of such work or undertaking, and name and place of abode, or the names and places of abode of such director or directors, person or persons, and the sum of money required to be paid, and the bank and name into and in which the same is to be paid; and such particulars shall also be set forth in every such warrant or order; and such warrant or order shall be a sufficient authority for the Accountant-general of the said Court of Exchequer in England, the Queen's Remembrancer of the Court of Exchequer in Scotland, and the Accountant-general of the Court of Chancery in

Ireland respectively, to permit the sum of money directed to be paid by such warrant or order to be placed to an account opened or to be opened in his name in the bank mentioned in such warrant or order.

II. And be it enacted, That it shall be lawful for the person or persons named in such warrant or order, or the survivors or survivor of them, or any five of them, to pay the sum of money mentioned in such warrant or order into the bank mentioned in such warrant or order in the name and with the privy of the officer or person in whose name such sum shall be directed to be paid by such warrant or order, to be placed to his account there *ex parte* the work or undertaking mentioned in such warrant or order ; and every such sum so paid in, or the securities in or upon which the same may be invested as hereinafter mentioned, shall there remain until the same or such securities as aforesaid shall be paid out of such bank in pursuance of the provisions of this Act : Provided always, That every sum paid into the Bank of England in the name and with the privy of the Accountant-general of the Court of Exchequer, under the provisions of this Act, shall be paid in and placed to his account there pursuant to the method prescribed by an Act passed in the first year 1 G. 4. c. 35. of the reign of his late Majesty King George the Fourth, intituled, "An Act for the better securing money and effects paid into the Court of Exchequer at Westminster on account of the suitors of the said court, and for the appointment of an Accountant-general and two masters of the said court, and for other purposes, and pursuant to the general orders of the said court, and without fee or reward ;" and every sum paid into the Bank of Ireland in the name and with the privy of the Accountant-general of the Court of Chancery in Ireland, under the provisions of this Act, shall be paid in and placed to his account pursuant to the method prescribed by an Act made and passed in the Parliament of Ireland in the twenty-third and twenty-fourth years of the reign of his late Majesty King George the Third, intituled "An Act for the better securing the moneys and effects of the suitors of the Court of Chancery and Exchequer, by depositing the same in the national bank, and to prevent the forging and counterfeiting any draft, order, or other voucher for the payment or delivery of such money and effects, and for other purposes," and pursuant to the

general orders of the said Court, and without fee or reward.

Investment of deposit.

III. And be it enacted, That if the person or persons named in such warrant or order, or the survivor or survivors of them, or any five of them, desire to have invested any sum so paid into the Bank of England or the Bank of Ireland, the court in the name of whose Accountant-General the same may have been paid, on a petition presented to such court in a summary way by him or them, may order that such sum shall, until the same be paid out of court in pursuance of this Act, be laid out in the three per centum consolidated or three per centum reduced Bank annuities, or any government security or securities.

Repayment of deposit.

IV. And be it enacted, That on the termination of the session of Parliament in which the petition or bill for the purpose of making or sanctioning any such work or undertaking shall have been introduced into Parliament, or if such petition or bill shall be rejected or finally withdrawn by some proceeding in either House of Parliament, or shall not be allowed to proceed, or if an Act be passed authorizing the making of such work or undertaking; and if in any or either of the foregoing cases the person or persons named in such warrant or order, or the survivor or survivors of them, or the majority of such persons, apply by petition to the court in the name of whose Accountant-general the sum of money mentioned in such warrant or order shall have been paid, or to the Court of Exchequer in Scotland in case such sum of money shall have been paid in the name of the said Queen's Remembrancer, the court in the name of whose Accountant-general or Queen's Remembrancer such sum of money shall have been paid shall, by order, direct the sum of money paid in pursuance of such warrant or order, or the stocks, funds, or securities in or upon which the same are invested, and the interest or dividends thereof, to be transferred and paid to the party or parties so applying, or to any other person or persons whom they may appoint in that behalf; but no such order shall be made in the case of any such petition or bill being rejected, or not being allowed to proceed or withdrawn, unless it be proved by the certificate of the chairman of committees, if the said petition or bill was rejected or not allowed to proceed, or withdrawn in its passage through

the House of Lords, or of the said Speaker, if the said petition or bill was rejected or not allowed to proceed, or withdrawn during its passage through the House of Commons, that the petition or bill has been either so rejected or not allowed to proceed, or so withdrawn by some proceeding in one or other House of Parliament; which certificate the said chairman or Speaker shall grant on the application in writing of the person or persons, or the majority of the persons, named in such warrant or order, or the survivor or survivors of them; and every such certificate shall be conclusive proof of such rejection, or not proceeding, or withdrawal.

STANDING ORDERS RELATIVE TO PUBLIC MATTERS.

I.—BILLS respecting RELIGION.

That no bill relating to religion, or the alteration of Religion, the laws concerning religion, be brought into this House, until the proposition shall have been first considered in a committee of the whole House, and agreed unto by the House.

II.—BILLS respecting TRADE.

That no bill relating to trade, or the alteration of the Trade, laws concerning trade, be brought into the House, until the proposition shall have been first considered in a committee of the whole House, and agreed unto by the House.

III.—APPLICATIONS for PUBLIC MONEY.

1.—That this House will receive no petition for any Public sum of money, relating to public service, but what is Money recommended from the Crown.

2.—That this House will not proceed upon any petition, motion or bill, for granting any money, or for releasing or compounding any sum of money owing to the Crown, but in a committee of the whole House.

3.—That this House will not receive any petition for compounding any sum of money owing to the Crown, upon any branch of the revenue, without a certificate

from the proper officer or officers annexed to the said petition, stating the debt, what prosecutions have been made for the recovery of such debt, and setting forth how much the petitioner and his security are able to satisfy thereof.

4.—That this House will not proceed upon any motion for an address to the Crown, praying that any money may be issued, or that any expense may be incurred, but in a committee of the whole House.

Relaxation of
privilege of
the House, so
far as relates
to pecuniary
penalties for
offences.

5.—That in any bill which, having passed the House of Lords, shall be sent down to this House for their concurrence, or in any bill which, having passed this House, shall be returned by the Lords with amendments, it shall appear that any pecuniary penalty or forfeiture is thereby imposed, varied or taken away, the Speaker shall, before the second reading of such bill or amendments, report to the House his opinion, whether the object thereof be to impose, vary, or take away any pecuniary charge or burthen on the subject, or whether the same relates only to the punishment or prevention of offences; and the House shall thereupon determine whether it may be expedient, in such particular case, to insist upon the exercise of their privilege to originate all such provisions respecting pecuniary penalties or forfeitures.

IV.—TEMPORARY LAWS.

Temporary
laws.

That the precise duration of every temporary law be expressed in the title of the bill, and also in a distinct clause at the end of the bill, and no where else.

PRESENTATION OF PUBLIC PETITIONS.

I. That every member offering to present a petition to the House, not being a petition for a private bill, or relating to a private bill before the House, do confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it, and of the material allegations contained in it, and the reading of the prayer of such petition.

II. That every such petition not containing matter in breach of the privileges of this House, and which,

according to the rules or usual practice of this House, can be received, be brought to the table by the direction of the Speaker, who shall not allow any debate, or any member to speak upon, or in relation to, such petition; but it may be read by the clerk at the table, if required.

III. That if such petition relate to any matter or subject which the member presenting it is desirous of bringing before the House, and if such member shall state it to be his intention to make a motion thereupon, such member may give notice that he will make a motion on some subsequent day, That the petition be printed with the votes.

IV. That, in the case of such petition complaining of some present personal grievance, for which there may be an urgent necessity for providing an immediate remedy, the matter contained in such petition may be brought into discussion on the presentation thereof.

V. That all other such petitions, after they shall have been ordered to lie on the table, be referred to the committee on public petitions, without any question being put.

VI. That, subject to the above regulations, petitions against any resolution or bill imposing a tax or duty for the current service of the year, be henceforth received, and the usage under which the House has refused to entertain such petitions be discontinued.

PROMULGATION OF STATUTES.

On 3rd *June*, 1801, an address was agreed to, by both Houses:—To present to his Majesty the following resolutions; and to entreat his Majesty to give directions for the more speedy and general promulgation of the statutes of the realm:—And on 9th *June*, 1801, his Majesty's answer thereto was reported, That his Majesty would give directions accordingly.

I. That it is expedient, for the more speedy and general promulgation of the laws of the United Kingdom of *Great Britain* and *Ireland*, that his Majesty's printer

should be authorized and directed to print not less than 5,500 copies of every public general statute, and 306 copies of every public local and personal statute.

II. That his Majesty's printer should be authorized and directed to print and deliver, or transmit (by the post or otherwise), so soon as possible after each bill has received the royal assent, the aforesaid number of 5,500 copies of each public general statute.

III. That his Majesty's printer should be authorized and directed to print, and deliver or transmit in like manner, the aforesaid 306 copies of each public local and personal statute.

IV. That every chief magistrate and head officer of any city, borough, or town corporate in *England* and *Ireland*, and of every royal burgh in *Scotland*, and every sheriff, clerk of the peace, and town clerk, in the United Kingdom of *Great Britain* and *Ireland*, receiving any such copies, should preserve them for the public use, and transmit them to his successor in office.

V. That for the purpose of effectuating the promulgation of private statutes (if the parties interested therein shall think proper) and also for making compensation to the clerk of the Parliaments and officers of the House of Lords (in lieu of their annual average emoluments arising from the office copies of such statutes) without bringing any new charge upon the public, the parties interested in every such statute should make good such expense and compensation; "and that thereupon such printed copies of every such statute should be made judicially admissible in evidence, by adding thereto a clause declaring the same to be a public act."

VI. That his Majesty's printer should also be authorized and directed to class the general statutes, and the public local and personal statutes of each session, in separate volumes, and to number the chapters of each class separately; and also, to print one general title to each volume, together with a general table of all the Acts passed in that session.

In session 1803, it was resolved by both Houses of Parliament,

That so much of the 5th resolution of the Lords and Commons, of the session 1801, as provided that printed copies of private statutes shall be made judicially admissible in evidence by adding thereto a clause declaring the same to be a public Act, shall be vacated :

That so much of the resolutions of the Lords and Commons, of Session 1801, as relates to the printing and distribution of private Acts of Parliament, shall be construed to extend only to such Acts of Parliament in which a clause shall be inserted, declaring that such Act shall be printed by the printer to the King's Most Excellent Majesty, and may be given in evidence in all courts of justice, and before all judges and justices, who shall take judicial notice thereof, in like manner as if the same had been declared to be a public Act. Com. Jour. 58. 273. 281.

By 41 Geo. 3. c. 90. s. 9. it was enacted,

That the statutes of *England* and of *Great Britain*, printed and published by the King's printer, shall be received as evidence in any court in *Ireland*, and the statutes of *Ireland* prior to the Union, so printed and published, shall be received as evidence in any court in *Great Britain*.

STANDING ORDERS

OF

THE HOUSE OF LORDS,

RELATIVE TO

THE BRINGING IN AND PROCEEDING ON

PRIVATE BILLS.

Die Mercurii, 20° Aprilis 1698.

Committee on
private bills
not to sit
until ten days
after second
reading.

XCIV. Ordered, That no committee shall sit upon any private bill until ten days after it shall have been read a second time.

*Emendat. per Ord. 5° Junii 1828.
Emendat. per Ord. 2° Junii 1840.*

Die Martis, 2° Junii 1840.

Consents to
private bills
to be per-
sonal, or an
affidavit of
disability
made.

XCIV. a. Ordered, That no notice shall be taken by the committee of the consent of any person, except trustees for a charity, to any private bill, unless such person appear before such committee, or proof be made to such committee, by two credible witnesses, that such person is not able to attend, and doth consent to the said bill.

How consent
of trustees
for charitable
purposes to
be signified.

XCIV. b. Ordered, That the consent of all trustees for charitable purposes may be given to any private bill by which the estate, revenues, management, or regulation of the charity may be affected, by each of such trustees signifying his assent to such bill by signing a printed copy of the said bill in the presence of one credible witness, who shall attest such signature.

Ordered, That the said orders be declared standing orders, and that they be added to the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Die Jovis, 7° Decembris 1699.

XCV. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That for the future no private bill shall be brought into this House until the House be informed of the matters therein contained, by petition to this House for leave to bring in such bill: And that this order be added to the roll of standing orders.

Die Veneris, 16° Novembris 1705.

XCVI. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That for the future no private bill shall be read in this House a second time until printed copies thereof be left with the clerk of the Parliaments, for the perusal of the lords: And that one of the said copies shall be delivered to every person that shall be concerned in the said bill, before the meeting of the committee upon such bill; and in case of infancy, to be delivered to the guardian, or next relation of full age, not concerned in interest or in the passing the said bill: And that this order be added to the roll of standing orders, and printed and published, to the end all persons concerned may take notice thereof.

Emendat. per Ord. 13 Maii 1742.

Die Lunæ, 14° Januarii 1705.

XCVII. It is this day ordered and declared, by the Lords Spiritual and Temporal in Parliament assembled, That for the future, when any cause shall be appointed to be heard in this House, no private bill whatsoever shall be read that day before the hearing of the cause.

Die Veneris 18° Januarii 1705.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the order made the fourteenth instant, for declaring that no private bill whatsoever shall be read that day any cause is or shall be appointed to be heard, before the hearing of the said

cause, shall be and is hereby made a standing order of this House, and entered on the roll.

Die Sabbati, 16° Februarii 1705.

Petitions for
private bills
to be signed
by all parties
concerned.

XCVIII. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That for the future all parties concerned in the consequences of any private bill shall sign the petition that desires leave to bring such private bill into this House.

[*No. 99. of 16th February 1705 vacated, and the
following Order substituted on the 20th February
1843.]*

Die Lunæ, 20° Februarii 1843.

To be referred
to two of the
judges for
their opinion.

XCIX. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That when a petition for a private bill shall be offered to this House, it shall be referred to two of the Judges, who, after perusing the bill, without requiring any proof of the allegations therein contained, are to report to the House their opinion thereon under their hands, and whether, presuming the allegations contained in the preamble to be proved to the satisfaction of the Lords Spiritual and Temporal in Parliament assembled, it is reasonable that such bill do pass into a law, and whether the provisions thereof are proper for carrying its purposes into effect, and what alterations or amendments, if any, are necessary, in the same: And in the event of their approving the said bill, they are to sign the same. The like method to be observed as to private bills that are brought up from the House of Commons, before the second reading of such bills, by sending a copy of such bill signed by the clerk, to the judges.

Die Sabbati, 16° Februarii 1705.

Trustees ap-
pointed by a
private bill to
appear per-
sonally, and
accept the
trust.

CI. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That in all cases where trustee shall be appointed by any private bill, the committee to whom that bill is referred do take care that the trustees appear personally before them and accept the trusts under their hands; and also, that the lord who shall be in the chair of a committee for the passing of any private bills, when he makes his report, shall acquaint the House that all the orders of the House in relation to the

passing of private bills were duly observed in passing of the said bill through the committee.

CIII. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That for the future, when any private bill shall be sent by the House to a committee, there shall be at the same time transmitted to them a copy of these orders now made, and of all other standing orders of the House then in force relating to the passing of private bills.

All standing orders relating to private bills to be transmitted to the committee.

Die Martis 19° Februarii 1705.

It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That the orders of the sixteenth instant, relating to private bills, shall be and they are hereby declared to be standing orders, and entered on the roll.

Die Sabbati 5° Aprilis 1707.

XXXIV. It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That upon all reports made from committees of amendments to bills, for the future, the lord that makes the report do explain to the House the effect and coherence of each amendment; and that on the clerk's second reading of the same amendments, the lord on the woolsack do the same: And this to be added to the roll of standing orders.

Concerning reports of amendments.

Die Mercurii, 19° Maii 1762.

CXXVI. Upon report made from the lords committees appointed to take into consideration the standing roll of orders of this House, in relation to the standing order of the 16th of February 1705, No. 100, It is ordered, by the Lords Spiritual and Temporal in Parliament assembled, That where a bill is brought in to empower any person to sell or dispose of lands in one place, and to buy or settle lands in another place, the committee to whom such bill shall be referred do take care that the values be fully made out; and if the bill shall not be for making a new purchase, but only for settling other lands in lieu of those to be sold, in that case provision shall be made in the bill that such other lands be settled accordingly: but if the bill shall be to purchase and settle other lands, in that case the committee are to take care that there be a binding agreement produced

Concerning bills for selling lands and purchasing others to be settled in lieu thereof.

for such new purchase; or if it shall be made appear to the committee that such agreement cannot then be made, or that such purchase cannot then be made and settled, as desired by the bill, and the committee shall be satisfied with the reasons alleged for either of those purposes, in either of those cases provision shall be made in the bill that so much of the money arising by sale of the lands directed to be sold as is to be laid out in a new purchase shall be paid by the purchaser or purchasers into the Bank of *England*, in the name and with the privity of the accountant general of the high Court of Chancery, to be placed to his account there *ex parte* the purchaser or purchasers of the estate of the person or persons mentioned in the title of the said bill, pursuant to the method prescribed by the Act of the twelfth year of King *George* the First, cap. xxxii., and the general orders of the said court, and without fee or reward, according to the Act of the twelfth year of King *George* the Second, cap. xxiv., and shall, when so paid in, be laid out in the purchase of navy or victualling bills, or exchequer bills: And it is further ordered, That the interest arising from the money so laid out in the said navy or victualling bills, or exchequer bills, and the money received for the same, as they shall be respectively paid off by government, shall be laid out, in the name of the said accountant general, in the purchase of other navy or victualling bills, or exchequer bills; all which said navy and victualling bills, and exchequer bills, shall be deposited in the bank in the name of the said accountant general, and shall there remain until a proper purchase or purchases be found and approved, as shall be directed by such bill, and until the same shall, upon a petition setting forth such approbation, to be preferred to the Court of Chancery in a summary way by the persons to be named in the bill, be ordered to be sold by the said accountant general for the completing such purchase, in such manner as the said court shall think just and direct: And it is further ordered, That if the money arising by the sale of such navy, victualling, or exchequer bills shall exceed the amount of the original purchase money so laid out as aforesaid, then and in that case only the surplus which shall remain, after discharging the expense of the applications to the court, shall be paid to such person or persons respectively as would have been entitled to receive the rents and profits

of the lands directed to be purchased, in case the same had been purchased pursuant to the Act, or to the representatives of such person or persons.

Ordered, That the standing order before mentioned be vacated and made void, and that this order be substituted instead thereof, and declared to be a standing order, and that it be entered on the roll of standing orders, and printed and published, to the end that all persons concerned may take notice thereof.

Emendat. per Ord. 18° Martii 1717.

Emendat. per Ord. 18° Junii 1795.

Die Mercurii, 16° Maii 1792.

CXXXI. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That for the future, when a petition for a private bill concerning estates in land or heritable subjects situated in that part of *Great Britain* called *Scotland*, shall be offered to this House, it shall be referred to two of the judges of the Court of Session in *Scotland*, who are forthwith to summon all parties before them who may be concerned in the bill, and after hearing all the parties, and perusing the bill, are to report to the House the state of the case, and their opinion thereupon, under their hands, and are to sign the said bill: The same method is to be observed as to private bills concerning estates in land or heritable subjects situated in that part of *Great Britain* called *Scotland*, brought from the House of Commons, before the second reading of such bills, by sending a copy of the said bill, signed by the clerk, to two of the judges of the Court of Session in *Scotland*, to whom such bill shall be referred.

Mode of referring petitions for private bills relative to estates in Scotland.

Emendat. per Ord. 18° Februarii 1817.

Emendat. per Ord. 11° Maii 1824.

CXXXII. Ordered, That for the future all persons concerned in the consequences of such private bills as aforesaid, and who reside in that part of *Great Britain* called *Scotland*, may give their consent to the passing of such bills before two of the judges of the Court of Session, to whom such private bills as aforesaid shall be referred; and the certificate of the said judges, by which it shall appear, that, on a day and at a place to be therein expressed,

such person or persons did appear personally before them, and, being aware of the interest they may have in such bill, did give his, her, or their consent for him or themselves, and for those for whom, according to the law of *Scotland*, he, she, or they may be entitled to consent, and did accept the trust proposed to be vested in him or them by the said bill, and did in their presence sign a bill, (which bill, together with the said certificate, must be produced,) shall be held as sufficient evidence of the consent of such person or persons before any committee of this House to whom the consideration of such bill may be referred.

Emendat. per Ord. 18° Februarii 1817.

Emendat. per Ord. 11° Maii 1824.

CXXXIII. Ordered, That it be a general instruction to the judges who shall meet to take the consent of heirs of entail concerned in the consequences of private bills relating to estates in that part of *Great Britain* called *Scotland*, that they take no notice of the consent of any person to the passing of such bill unless such person appear before them, or that it may be made manifest to them, by an instrument under the hand of a notary public, duly executed according to the forms required by the law of *Scotland*, that he or she is not able to attend, and doth consent to the said bill.

Ordered, That the said orders be made standing orders, and that they be entered on the roll of standing orders, and printed and published, to the end that all persons concerned may the better take notice of the same.

Emendat. per Ord. 24° Februarii 1806.

Die Martis, 5° Maii 1818.

Respecting
consents to
private bills
relative to
estates in
Scotland.

CXCVII. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That for the future it shall be sufficient to have the consent of the persons concerned in the consequences of private bills regarding estates in land or heritable estates in *Scotland* in the proportions following; viz.

Four-fifths of the ten next in succession to the person or persons applying for such private bill;—provided it is satisfactorily proved to the committee

that those of this the first ten whose consent has not been obtained are absent abroad, or cannot be found in the kingdom of *Great Britain*.

Two-thirds of the twenty next in succession after the said ten :

One-half of the twenty next in succession after the said twenty ; and one-third of all the other persons concerned in the said bill ; without prejudice, nevertheless, as heretofore, to every person concerned to petition against the said bill, and to be heard for his interest therein.

Ordered, That the said order be declared a standing order, and that it be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Die Lunæ, 29° Aprilis 1799.

CXLV. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That where a petitioner for a private bill is tenant for life in possession, and another petitioner for the same bill is tenant in tail in remainder, and of age, and where it is competent for the two together, by deed, fine, and common recovery, to bar the rights and interests of all persons in remainder after the estate in tail of the petitioner, the committee shall not, in such case, be required to take the consent of any of the persons in remainder after the estate of such tenant in tail to the passing of such bill.

Respecting
consents to
private bills.

Where a peti-
tioner is
tenant for
life and an-
other tenant in
tail.

CXLVI. Ordered, That in all private bills, when any married or unmarried woman, or when any widow, desirous to consent to the sale or exchange of any estate in which she may have an interest, or upon which she may be entitled to a jointure or rent-charge of any sort, or if she shall desire to sell or otherwise dispose of all or any part of such jointure, rent-charge, or interest, the committee shall require not only her own consent in person, but also that of her trustee or trustees.

Where wo-
men have an
interest.

CXLVII. Ordered, That in all private bills, when any estate is proposed to be sold or exchanged, on which the whole or any part of the fortune of any child or children is secured, or in which any such child or

Where chil-
dren have an
interest.

children hath or have an interest, the committee shall take the consent of any such child or children, if he, she, or they is or are under age, by his, her, or their parents or guardians, and if of age, then the consent of the trustee or trustees for such child or children shall also be taken, as well as the personal consent of such party.

Trustees to
consent in
person.

CXLVIII. Ordered, That the consent of all trustees shall be required in person before the committee, where any money is to pass through the hands of any such trustees, whether for jointure, pin money, the fortunes of younger children, or any other interest whatsoever; but the consent of trustees to preserve contingent remainders only shall not be necessary.

Appointment
of new trust-
tees to be
with the ap-
probation of
the Court of
Chancery.

CXLIX. Ordered, That when any of the parties interested in any private bill shall have power by such bill to name a trustee in the room of any trustee dying, resigning, or refusing to exercise his trust, provision shall be made in the bill that such new trustee shall be appointed by or with the approbation of the Court of Chancery.

Notice to be
given to
mortgagors.

CL. Ordered, That when a petition shall be presented to the House for any private bill, notice shall be given to any person being a mortgagee upon the estate intended to be affected by such bill.

Bills for ex-
changing or
selling settled
estates to have
schedules of
their value
annexed.

CLI. Ordered, That in any private bill for exchanging an estate in settlement, and substituting another estate in lieu thereof, there shall be annexed to such bill a schedule or schedules of such respective estates, showing the annual rent and the annual value thereof, and also the value of the timber growing thereupon; and in all private bills for selling a settled estate, and purchasing another estate, to be settled to the same uses, there shall be annexed to such bill a schedule or schedules of such estates, specifying the annual rent thereof; and that every such schedule shall be signed and proved upon oath by a surveyor or other competent person, before the committee to whom such bill shall be referred.

Chairman to
report whe-
ther orders
have been
complied
with.

CLII. Ordered, that the lord who shall be in the chair of a committee to whom any private bill shall be committed shall state to the House, when the report of such committee is made, how far the orders of the House

in relation to such private bill have or have not been duly complied with.

Ordered, That these orders shall be transmitted to the committee to whom any private bill shall be referred, for their guidance and instruction.

Ordered, That the said orders be declared standing orders, and that they be entered upon the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Die Mercurii, 22° Maii, 1799.

CLIII. Ordered, by the lords spiritual and temporal in Parliament assembled, That where a bill is brought in to empower any person to sell or dispose of lands in one place in that part of *Great Britain* called *Scotland*, and to buy or settle lands in another place in the said part of *Great Britain* called *Scotland*, the committee to whom such bill shall be referred do take care that the values be fully made out; and if the bill shall not be for making a new purchase, but only for settling other lands in lieu of those to be sold, in that case provision shall be made in the bill that such other lands be settled accordingly; but if the bill shall be to purchase and settle other lands, in that case the committee are to take care that there be a binding agreement produced for such new purchase: or if it shall be made appear to the committee that such agreement cannot then be made, or that such purchase cannot then be made and settled as desired by the bill, and the committee shall be satisfied with the reasons alleged for either of those purposes, in either of those cases provision shall be made in the bill, that so much of the money arising by sale of the lands directed to be sold as is to be laid out in a new purchase shall be paid by the purchaser or purchasers, without fee or reward, into the Bank of *Scotland*, or Royal Bank of *Scotland*, or the Bank of the British Linen Company in *Scotland*, or the Commercial Bank of *Scotland*, or the National Bank of *Scotland*, under the direction and by the authority of the Court of Session, and in the name of the trustee named in the Act, and shall, when so paid in, produce the highest interest that can be obtained for the same: And it is further ordered, That the interest arising from the money so paid in shall be laid out in the name of the

Concerning
bills for sell-
ing lands and
purchasing
others in
Scotland.

said trustees, and shall annually accumulate and be added to the principal sum itself, to carry interest together, until a proper purchase can be found and approved, as shall be directed by such bill; and until the same shall, upon a petition setting forth such approbation, to be preferred to the said Court of Session in a summary way by the persons to be named in the bill, be ordered to be paid by the treasurer of the Bank of *Scotland*, or the cashier of the Royal Bank of *Scotland*, or of the Bank of the *British Linen Company* in *Scotland*, or of the Commercial Bank of *Scotland*, or of the National Bank of *Scotland*, for the completing such purchase, in such manner as the said court shall think just and direct: And it is further ordered, That when a sum equal to the amount of that obtained by the sale of lands directed to be sold shall be re-invested in the purchase of new estates, then and in that case the surplus which shall remain, after discharging the expense of application to the court, shall be paid to the person or persons respectively who would have been entitled to receive the rents and profits of the lands sold pursuant to the Act, or to the representatives of such person or persons.

Ordered, That the said order be declared a standing order, and that it be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Emendat. per Ord. 16^o Aprilis, 1810.

Emendat. per Ord. 21^o Martii, 1817.

Emendat. per Ord. 25^o Junii, 1832.

Die Mercurii, 9^o Decembris 1801.

Mode of
referring
petitions for
private bills
relative to
estates in
Ireland.

CLVI. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That for the future, when a petition for a private bill concerning estates in land situated in that part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, shall be offered to this House, it shall be referred, if the parties desire it, to two judges of the Court of King's Bench, Common Pleas, or Exchequer in *Ireland*, who are forthwith to summon all parties before them who may be concerned in the bill, and after hearing all the parties, and perusing the bill, are to report to the House the state of the case, and their opinion thereupon, under their hands, and are to sign the said bill:

The same method is to be observed as to private bills concerning estates in land situated in that part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, brought from the House of Commons, before the second reading of such bills, by sending a copy of the said bill, signed by the clerk, to the judges aforesaid, or any two of them.

CLVII. Ordered, That for the future all persons concerned in the consequences of such private bills as aforesaid, and who reside in that part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, may give their consent to the passing of such bills before the two judges to whom such bills shall be referred; and the certificate of the said judges, or of any two of them, by which it shall appear, that, on a day and at a place to be therein expressed, such person or persons did appear personally before them, and, being aware of the interest they may have in such bill, did give his, her, or their consent for him or themselves, and for those for whom, according to law, he, she, or they may be entitled to consent, and if any trustee or trustees shall be appointed by such bill, that such trustee or trustees did appear personally before them, and did accept the trust proposed to be vested in him or them by the said bill, and that the said several persons did in their presence sign a bill, (which bill, together with the said certificate, must be produced,) shall be held as sufficient evidence of the consent of such person or persons before any committee of this House to whom the consideration of such bill may be referred.

CLVIII. Ordered, That it be a general instruction to the judges who shall meet to take the consent of all persons concerned in the consequences of private bills relating to estates in that part of the United Kingdom called *Ireland*, that they take no notice of the consent of any person to the passing of such bill, unless such person appear before them, or that it be made manifest to them, by an instrument under the hand of a notary public, duly executed according to the forms required by law, that he or she is not able to attend, and doth consent to the said bill.

CLIX. Ordered, That where a bill is brought in to empower any person to sell or dispose of lands in one place in that part of the United Kingdom called *Ireland*, and to buy

or settle lands in another place in the said part of the United Kingdom called *Ireland*, the committee to whom such bill shall be referred do take care that the values be fully made out; and if the bill shall not be for making a new purchase, but only for settling other lands in lieu of those to be sold, in that case provision shall be made in the bill that such other lands be settled accordingly; but if the bill shall be to purchase and settle other lands, in that case the committee are to take care that there be a binding agreement produced for such new purchase; or if it shall be made appear to the committee that such agreement cannot then be made, or that such purchase cannot then be made and settled as desired by the bill, and the committee shall be satisfied with the reasons alleged for either of those purposes, in either of those cases provision shall be made in the bill that so much of the money arising by sale of the lands directed to be sold as is to be laid out in a new purchase, shall be paid by the purchaser or purchasers, without fee or reward, into the Bank of *Ireland*, in the name and with the privyty of the Accountant-general of the High Court of Chancery of *Ireland*, to be placed to his account there *ex parte* the purchaser or purchasers of the estate of the person or persons mentioned in the title of the said bill, pursuant to the method prescribed by the *Irish* statute of the 23rd and 24th *George* the Third, cap. xxii., and the general orders of the said court, and shall, when so paid in, be laid out in the purchase of *Irish* government debentures, or *Irish* treasury bills: And it is further ordered, That the interest arising from the money so laid out in the purchase of debenture or treasury bills, and the money received for the same as they shall be respectively paid off by government, shall be laid out in the name of the said Accountant-general in the purchase of other like debentures or treasury bills; all which said debentures and treasury bills shall be deposited in the said bank in the name of the said Accountant-general, and shall remain there until a proper purchase or purchases be found and approved as shall be directed by such bill, and until the same shall, upon a petition setting forth such approbation, to be preferred to the said court in a summary way by the persons to be named in the bill, be ordered to be sold by the said Accountant-general for the completing such purchase, in such manner as the said court shall think just and direct: And it is further

ordered, That if the money arising by the sale of such debentures or treasury bills shall exceed the amount of the original purchase money so laid out as aforesaid, then and in that case only the surplus which shall remain, after discharging the expense of the applications to the court, shall be paid to the person or persons respectively who would have been entitled to receive the rents and profits of the lands directed to be purchased in case the same had been purchased pursuant to the Act, or to the representatives of such person or persons.

Ordered, That the said orders be declared standing orders, and that they be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Emendat. per Ord. 1° Martii, 1806.

Die Mercurii, 15° Martii, 1809.

CLXXV. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That no private bill, the petition for which shall be referred to two of his Majesty's judges, shall be read a first time until a copy of the said petition, and of the report of the judges thereupon, shall be delivered by the party or parties concerned to the lord appointed by this House to take the chair in all committees.

Copy of petition and Judges' report to be delivered to chairman of committees.

Ordered, That the said order be declared a standing order, and that it be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Emendat. per Ord. 8° Februarii, 1825.

Die Mercurii, 28° Martii, 1798.

CXLI. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That for the future no petition for any bill of divorce shall be presented to this House unless an official copy of the proceedings, and of a definitive sentence of divorce *a mensā et thoro* in the Ecclesiastical Court, at the suit of the party desirous to present such petition, shall be delivered upon oath at the bar of this House at the same time.

No petition for a divorce bill to be presented without a copy of the proceedings, &c. in the Ecclesiastical Court.

Petitioner to attend on the second reading of the bill.

CXLII. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That for the future, upon the second reading of any bill of divorce, the petitioner praying for the same do attend this House, in order to his being examined at the bar, if the House shall think fit, whether there has or has not been any collusion, directly or indirectly, on his part, relative to any act of adultery that may have been committed by his wife, or whether there be any collusion, directly or indirectly, between him and his wife, or any other person or persons, touching the said bill of divorce, or touching any proceedings or sentence of divorce had in the Ecclesiastical Court at his suit, or touching any action at law which may have been brought by such petitioner against any person for criminal conversation with the petitioner's wife; and also whether, at the time of the adultery of which such petitioner complains, his wife was, by deed, or otherwise by his consent, living separate and apart from him, and released by him, as far as in him lies, from her conjugal duty, or whether she was at the time of such adultery cohabiting with him, and under the protection and authority of him as her husband.

Ordered, That the said orders be declared standing orders, and that they be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Die Martis, 2^o Maii, 1809.

No divorce bill to be received without a clause prohibiting the offending parties from marrying.

CLXXVI. Ordered by the Lords Spiritual and Temporal in Parliament assembled, That no bill grounded on a petition to this House to dissolve a marriage for the cause of adultery, and to enable the petitioner to marry again, shall be received by this House unless a provision be inserted in such bill that it shall not be lawful for the person whose marriage with the petitioner shall be dissolved to intermarry with any offending party on account of whose adultery with such person it shall be therein enacted that such marriage shall be so dissolved; provided that if at the time of exhibiting the said bill such offending party or parties shall be dead, such provision as aforesaid shall not be inserted in the said bill.

Ordered, That the said order be declared a standing order, and that it be entered on the roll of standing

orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Die Veneris, 2^o Januarii, 1807.

CLXXI. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That no bill for naturalizing any person born in any foreign territory shall be read a second time until the petitioner shall produce a certificate from one of his Majesty's principal secretaries of state respecting his conduct.

Ordered, That the said order be declared a standing order, and that it be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

No naturalization bill to be read a second time without a certificate being produced touching the petitioner's conduct.

Die Mercurii, 7^o Julii, 1819.

CXCVIII. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That for the future no bill regulating the conduct of any trade; altering the laws of apprenticeship in relation to any particular business; affixing marks to designate the quality of any manufacture; prohibiting the manufacture of any species of commodity; or extending the term of any patent;—shall be read a second time in this House until a select committee shall have inquired into the expediency or inexpediency of the proposed regulations, and shall have reported upon the expediency or inexpediency of this House proceeding to take the bill into further consideration.

Respecting bills for the regulation of trade, &c.

Ordered, That the said order be declared a standing order, and that it be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Emendat. per Ord. 30^o Junii, 1823.

Die Mercurii, 2^o Junii, 1824.

CCX. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That in future, with the exception of bills for making or improving any turnpike road, navigation, aqueduct, cut or canal, tunnel or archway, bridge, ferry, dock, pier, port, or harbour, wharf, stairs, or landing place, and of bills for lighting, paving, or watch-

Respecting joint stock company bills.

ing any one town, parish, or district, or for therein erecting or improving any market-place or market-house, or for the cultivation and improvement of waste lands, or for establishing any cemetery, all bills brought into this House enacting and declaring that certain persons shall form a body politic and corporate, who shall only be bound to the extent of their respective shares, or granting to the same the privilege of a perpetual succession and a common seal, or the right of suing and being sued, pleading and being impleaded, at law or in equity, or of prosecuting any person who shall commit any felony, misdemeanour, or other offence; or any bill conveying to any number of persons, who are not bound conjointly and severally to the extent of their respective fortunes, one or more of the aforesaid privileges; such bill, after being read a first time, shall be referred to a select committee; and that no such bill shall be read a second time till the committee to which it is referred have reported that it has to them been proved, in a satisfactory manner, that three-fourths of the capital intended to form the joint stock of such company is deposited in the Bank of *England*, or vested in exchequer bills, or in the public funds, in the name of trustees, to be transferred to such company when they are by law constituted a body politic and corporate, or have by law acquired any of the aforesaid privileges.

Emendat. per Ord. 29° Martii, 1830.

CCXI. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That in future, when any bill shall be brought into this House granting and enacting, in favour of any body politic and corporate, previously constituted such by royal charter, and who are not bound conjointly and severally to the extent of their respective fortunes, further privileges, such bill, if not intended to effect the objects specially excepted in the former motion, after being read a first time, shall be referred to a select committee; and that no such bill shall be read a second time till the committee to which it is referred have reported that it has to them been proved, in a satisfactory manner, that three-fourths of the capital intended to form the joint stock of such company has been paid up by the individual proprietors.

Ordered, That the said orders be declared standing orders, and that they be entered on the roll of standing

orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Die Jovis, 7^o Julii, 1831.

CCXIV. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That when any petition for any bill of divorce shall have been presented to this House in any case in which any trial at Nisi Prius shall have been had, or any writ of inquiry executed within the United Kingdom, wherein the petitioner shall have been party, the Judge or under sheriff before whom such trial shall have been had, or such writ of inquiry executed, do transmit to the clerk assistant, to be laid upon the table of this House, a report of the proceedings upon such trial or writ of inquiry; and that no such bill of divorce be read a second time until such report shall have been so laid upon the table of this House.

Relative to
divorce bills.

Ordered, That the said order be declared a standing order, and that it be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

FURTHER STANDING ORDERS.

Die Jovis, 16^o Augusti 1838.

STANDING ORDERS with regard to Bills included in the Three Classes hereinafter mentioned.

1ST CLASS. Burial-ground, making, maintaining, or altering.

Church or chapel, building, enlarging, repairing, or maintaining.

City or town, paving, lighting, watching, cleansing, or improving.

Crown, church, or corporation property, or property held in trust for public or charitable purposes.

Fishery, making, maintaining or improving.

Land, inclosing, draining, or improving.

Market or market-place.

Local court, constituting.
Market or market-place, erecting, improving, repairing, maintaining, or regulating.

Poor, maintaining or employing.
Poor-rate.

Stipendiary magistrate, or any public officer, payment of, if not out of county rate.

2ND CLASS. Making, maintaining, varying, extending, or enlarging any aqueduct, archway, bridge, canal, cut, dock, ferry, harbour, navigation, pier, port, railway, reservoir, tunnel, turnpike-road, waterwork.

3RD CLASS. Continuing or amending an Act passed for any of the purposes included in this or the two preceding classes, where no further work than such as was authorized by a former Act is proposed to be made.

Company, incorporating or giving powers to.

County rate.

County or shire-hall, court-house.

Gaol or house of correction.

Letters patent, confirming, prolonging, or transferring the term of.

Powers to sue and be sued, conferring.

Stipendiary magistrate, or any public officer, payment of, if out of county rate.

Emendat. per Ord. 11° Augusti, 1842.

CCXIX. Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

1. That the standing orders Nos. 154. 172. 173. 174. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 195. 196. 213. the standing orders of the 6th day of *July*, 1837, and all the standing orders relative to railway bills heretofore in existence, be repealed.

The Committee for Standing Orders.

2. That at the commencement of every session of Parliament a standing order committee shall be appointed, consisting of forty lords, besides the chairman of the committees of the House of Lords, who shall be always chairman of such standing order committee.
3. That three of the lords so appointed, including the chairman, shall be a quorum.
4. That previous to the second reading of any private bill relating to such railways as are included in the second class, and previously to the sitting of the committee on any opposed bill included in any of the three classes above mentioned, except bills for such railways as aforesaid, such bill shall be referred to the standing order committee, before which the compliance with such of the standing orders as are hereafter required to be proved before the standing order committee shall be proved.
5. That any parties shall be at liberty to appear, and to be heard by themselves, their agents and witnesses, upon any petition which may be referred to the standing order committee complaining of a non-compliance with the standing orders, provided the matter complained of be specifically stated in such petition, and that such petition be presented on or before the second day after the introduction of the bill into this House.
6. That such committee shall report whether the standing orders have been complied with, and if it shall appear to the committee that they have not been complied with, they shall state the facts upon which their decision is founded, and any special circumstances connected with the case, and also their opinion as to the propriety of dispensing with any of the standing orders in such case.
7. That three clear days' notice be given of the meeting of such committee.
8. That no committee on any private bill relating to such railways as are included in the second class, or of any other bill included in any of the three

classes above mentioned which shall be opposed, shall have power to examine into the compliance with the standing orders the compliance with which is required to be proved before the standing order committee.

Committee upon Opposed Bills.

- That no opposed private bill included in any of the three classes of bills hereinbefore mentioned be referred to an open committee.
- That every such private bill which shall be opposed be referred to a select committee of five, who shall choose their own chairman.
- That every one of such committee of five do attend the proceedings of the committee during the whole continuance thereof.
- That no lord who is not one of the five do take any part of the proceedings in the committee.
- That the lords be exempted from serving on the committee on any private bill wherein they shall have any interest.
- That lords be excused from serving for any special reasons to be approved of in each case by the House.
- That the chairman of the committees and four other lords to be named by the House be appointed a committee to select and propose to the House the names of the five lords to form a select committee for the consideration of each such opposed private bill.
- That the select committee of five be not named to the House on the same day on which the opposed private bill is read a second time.
- That the committee to whom any such opposed private bill is committed shall meet not later than eleven o'clock every morning, and sit till four, and shall not adjourn at an earlier hour without specially reporting the cause of such adjournment to the House at its next meeting, nor adjourn over any days except *Saturday* and *Sunday*, *Christmas Day* and *Good Friday*, without leave of the House.

That if any member of such committee is prevented from continuing his attendance, the committee shall adjourn, and report the cause of such member absenting himself to the House at its next meeting, and shall not resume its sittings without leave of the House.

Die Martis, 23^o Junii, 1840.

Ordered, That the lord appointed to take the chair in all committees be at liberty, in any case on which he shall think fit, to report to the House his opinion, that any unopposed bill on which he shall sit as chairman should be proceeded with as an opposed bill.

Ordered, That the said order be declared a standing order, and that it be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Die Jovis, 8^o Augusti, 1844.

Ordered, That in case of railway bills, if any report, made under the authority of the Board of Trade, upon any bill or the objects thereof, be laid before the House, such report shall be referred to the committee on the bill.

Ordered, That the said order be declared a standing order, and that it be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Die Jovis, 16^o Augusti, 1838.

STANDING ORDERS the compliance with which must be proved before the Standing Order Committee in all Bills for Railways included in the second class, and in any other Bill included in any of the three classes which may be opposed, and before the Committee on the bill in any other case.

CCXX. Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

1. That notices shall be given in all cases where application is intended to be made for a bill relating to the subjects included in any of the three classes above mentioned.

2. That such notices shall be published in three successive weeks in the months of *October* and *November*, or either of them, immediately preceding the session of Parliament in which application for the bill shall be made, in the *London*, *Edinburgh*, or *Dublin Gazette*, as the case may be, and in some one and the same newspaper of the county in which the city, town, or lands to which such bill relates shall be situate, or if there be no newspaper published therein, then in the newspaper of some county adjoining or near thereto; or if such bill do not relate to any particular city, town, or lands, in the *London*, *Edinburgh*, or *Dublin Gazette* only, as the case may be.
3. That if it be the intention of the parties applying for a bill to obtain powers for the compulsory purchase of lands or houses, or to levy any tolls, rates, or duties, or to alter any existing tolls, rates, or duties, or to confer, vary, or extinguish any exemptions from payment of tolls, rates, or duties, the notices shall specify such intention.
4. That on or before the 31st day of *December* immediately preceding the application for a bill by which any lands or houses are intended to be taken, or an extension of the time granted by any former Act for that purpose is sought for, application in writing (and in cases of bills included in the second class, in the form, as near as may be, set forth in the Appendix marked (A.),) be made to the owners or reputed owners, lessees or reputed lessees, and occupiers, either by delivering the same personally, or by leaving the same at their usual place of abode, or, in their absence from the United Kingdom, with their agents respectively, of which application the production of a written acknowledgment by the party applied to shall, in the absence of other proof, be sufficient evidence; and that separate lists be made of such owners, lessees, and occupiers, distinguishing which of them have assented, dissented, or are neuter in respect thereto.
5. That no bill to empower any company already constituted by Act of Parliament to execute any

work other than that for which it was originally established shall be allowed to proceed unless the committee on standing orders, when such bill shall be referred to that committee, or unless the committee on the bill, when the compliance with the standing orders is to be proved before such committee, shall have specially reported,—

- 1st. That a draft of the proposed bill was submitted to a meeting of the proprietors of such company at a meeting held specially for that purpose :
- 2nd. That such meeting was called by advertisement inserted for four consecutive weeks in the newspapers of the county or counties wherein such new works were proposed to be executed, or if there are no newspapers published in such county or counties, then in that of the nearest county wherein a newspaper is published :
- 3rd. That such meeting was held on a period not earlier than seven days after the last insertion of such advertisement :
- 4th. That at such meeting the draft of the proposed bill was submitted to the proprietors then present, and was approved of by at least three-fifths of such proprietors.

Emendat. per Ord. 11° Augusti, 1842.

Emendat. per Ord. 7° Augusti, 1845.

FURTHER ORDER with regard to Bills of first class, the Compliance with which is to be proved as herein-before mentioned.

CCXXI. Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

That notices shall also be affixed to the outer doors of the churches of every parish to which they specially relate, for three successive Sundays in the said months of *October* and *November*, or either of them.

Emendat. per Ord. 11° Augusti, 1842.

FURTHER STANDING ORDERS respecting Burial-Grounds, the compliance with which is to be proved as hereinbefore mentioned.

CCXXII. Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

That all such notices respecting burial-ground shall set forth and specify the limits within which any such cemetery or burial-ground is intended to be erected or made.

That all notices respecting burial-gounds herein required to be given shall be affixed to the outer doors of the churches of every parish adjoining that in which the burial-ground is proposed to be made, for three successive *Sundays* in the months of *October* and *November*, or either of them.

That on or before the 31st day of *December* immediately preceding the application for any bill for making a burial-ground, notice be given to the owner, lessee, and occupier of every house situated within 300 yards of the boundary of the proposed burial-ground.

Emendat per Ord. 11° Augusti, 1842.

FURTHER ORDERS with regard to Bills of the second class, the compliance with which is to be proved as hereinbefore mentioned.

CCXXXIII. Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

Notices to contain parishes, &c.

1. That all notices shall contain the names of the parishes, townships, townlands, and extra-parochial places from, in, through, or into which the work is intended to be made, maintained, varied, extended, or enlarged, and shall state the time and place of deposit of the plans, sections, or books of reference respectively with the clerks of the peace, parish clerks, schoolmasters, town-clerks, and clerks of the union, as the case may be.
2. That all notices (with respect to bills included in the second class of bills hereinbefore mentioned) shall also be given at the general quarter session of the peace which shall have been holden for

Notice to be affixed on doors of Sessions House at the

every and each county, riding, or division in or through which the work shall be made, maintained, varied, extended, or enlarged, at *Michaelmas* or *Epiphany* preceding the session of Parliament in which such application is intended to be made, by affixing such notice on the door of the Session House of each and every such county, riding, or division where such general quarter session shall be holden; save and except as to any bill for such purposes in *Scotland*; in which case, instead of affixing such notices on the door of the Session House, such notices shall be written or printed on paper, and affixed to the church door of the parish or parishes in or through which such work is intended to be made, maintained, varied, extended or enlarged, for two *Sundays* in each of the months of *October* and *November* immediately preceding the introduction into Parliament of the bill for which such application is intended to be made.

session preceding the meeting of Parliament.

In Scotland,
on doors of
parish
churches in
October and
November.

3. That a plan, and also a duplicate of such plan, on ^{Plan, &c.}
a scale of not less than four inches to a mile, be deposited for public inspection at the office of the <sup>with clerk of
the peace.</sup> clerk of the peace for every county, riding, or division in *England* or *Ireland*, or in the office of the principal sheriff-clerk of every county in *Scotland*, in or through which the work is proposed to be made, maintained, varied, extended, or enlarged, on or before the 30th day of *November* immediately preceding the session of Parliament in which application for the bill shall be made; which plans shall describe the line or situation of the whole of the work, and the lands in or through which it is to be made, maintained, varied, extended or enlarged, or through which every communication to or from the work shall be made, together with a book of reference containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands respectively; and in the case of bills relating to turnpike-roads, cuts, canals, reservoirs, aqueducts, and railways, a section and duplicate thereof, as hereinafter described, shall likewise be deposited with such plan and duplicate.

Lands within deviation to be on plan.

Buildings, &c. on enlarged scale.

Scale of section.

Clerks of peace to endorse a memorial on plans, &c.

Inspection and fee.

Plan to be deposited with parish clerk, &c.

4. That where it is the intention of the parties to apply for powers to make any lateral deviation from the line of the proposed work, the limits of such deviation shall be defined upon the plan, and all lands included within such limits shall be marked thereon; and that in all cases, excepting where the whole of such plan shall be upon a scale of not less than a quarter of an inch to every 100 feet, an additional plan of any building, yard, court-yard, or land within the curtilage of any building, or of any ground cultivated as a garden, either on the original line or included within the limits of the said deviation, shall be laid down on the said plan, or on the additional plan deposited therewith, upon a scale of not less than a quarter of an inch to every 100 feet. (See fig. 3.)
5. That the section shall be drawn to the same horizontal scale as the plan, and to a vertical scale of not less than one inch to every 100 feet, and shall show the surface of the ground marked on the plan, and the intended level of the proposed work, and a datum horizontal line, which shall be the same throughout the whole length of the work, or any branch thereof respectively, and shall be referred to some fixed point (stated in writing on the section) near either of the termini. (See line DD, fig. 2.)
6. That the clerks of the peace or sheriff clerks, or their respective deputies, do make a memorial in writing upon the plans, sections, and books of reference so deposited with them, denoting the time at which the same were lodged in their respective offices, and do at all seasonable hours of the day permit any person to view and examine one of the same, and to make copies or extracts therefrom; and that one of the two plans and sections so deposited be sealed up and retained in the possession of the clerk of the peace or sheriff clerk until called for by order of one of the two Houses of Parliament. (See Act 1 Vict. c. 83.)
7. That on or before the 31st day of December a copy of so much of the said plans and sections as relates to each parish in or through which the work is intended to be made, maintained, varied,

extended, or enlarged (*see fig. 5.*), together with a book of reference thereto, shall be deposited with the parish clerk of each such parish in *England*, the schoolmaster of each such parish in *Scotland* (or in royal burghs with the town clerk), and the clerk of the Union within which such parish is included in *Ireland*. (*See Act 1 Vict. c. 83.*)

8. That on or before the 31st day of *December* a copy of the said plans, sections, and books of reference shall be deposited in the office of the clerk of the Parliaments.
9. That where any alteration shall have been made, or shall be desired by the parties to be made, after the introduction of the bill into Parliament, in any work the bill for which shall be included in the second class of bills hereinbefore mentioned, and the plans and sections for which shall have been deposited and the notices for which shall have been given as before mentioned, a plan and section of such alteration, on the same scale and containing the same particulars as the original plan and section, together with a book of reference thereto, shall be deposited with the clerk of the peace of every county, riding, or division in *England* or *Ireland*, and in the office of the sheriff clerk of every county in *Scotland*, in which such alteration is proposed to be made; and a copy of such plan and section, so far as relates to each parish, together with a book of reference thereto, shall be deposited with the parish clerks of each such parish in *England*, the schoolmaster of each such parish in *Scotland*, or in royal burghs with the town clerk, and the clerk of the Union within which such parish in *Ireland* is included, in which such alteration is intended to be made, one month previously to the introduction of the bill for making such work into this House; and the intention to make such alteration shall be published in manner before directed in the *London*, *Edinburgh*, or *Dublin Gazette*, as the case may be, and some one and the same newspaper of the county in which such alteration shall be situate, or if there be no such paper printed therein, then in the newspaper of some county adjoining thereto, for three suc-

Time for de-
posit in the
office of the
clerk of the
Parliaments.

cessive weeks previously to the introduction of the bill into this House ; and personal application, with a notice in writing, in the form hereinbefore mentioned, shall be made to the owners or reputed owners, lessees or reputed lessees, or, in their absence from the United Kingdom, to their agents respectively, and to the occupiers of lands through which any such alteration is intended to be made ; and the consent of such owners or reputed owners, lessees or reputed lessees, and occupiers, to the making of such alteration, shall be proved to the satisfaction of the committee before whom the compliance with the standing orders shall be proved.

10. That previous to any bill for making any work, the bill for which shall be included in the second class of bills hereinbefore mentioned, being brought to this House from the Commons, in which any alteration has been made in its progress through Parliament, a map or plan and section of such work, showing any variation, extension, or enlargement which is intended to be made in consequence of such alteration, shall be deposited in the office of the clerk of the Parliaments ; and that such map or plan and section shall be on the same scale and contain the same particulars as the original map or plan and section of the said work.
11. That copies of so much of the standing orders of this House on private bills as relates to the deposit of plans, sections, books of reference, and other books and writings, or extracts or copies of or from the same, with the clerks of the peace of counties in *England* or *Ireland*, sheriff clerks in *Scotland*, parish clerks in *England*, schoolmasters in *Scotland*, town clerks of royal burghs in *Scotland*, clerks of the Union in *Ireland*, and other persons, be delivered to every such clerk of the peace, sheriff clerk, parish clerk, schoolmaster, clerk of the Union, and other person, at the same time with the plan or other writing, or extract or copy of or from such plan or other writing deposited with him.

Standing
orders as to
the deposit of
plans, &c.
with clerks of
the peace,
&c. to be
printed, and
a copy deli-
vered with
the plan.

12. That before any application is made for a bill whereby any part of a work authorized by any former Act is intended to be relinquished, notice in writing of such bill be given to the owners or reputed owners, lessees or reputed lessees, and occupiers of the lands in which the part of the said work intended to be thereby relinquished is situate.

Emendat. per Ord. 11° Augusti, 1842.

Emendat. per Ord. 8° Augusti, 1844.

Emendat. per Ord. 7° Augusti, 1845.

FURTHER STANDING ORDERS with respect to Bills of the second class and Bills for Burial-Grounds, the compliance with which shall be proved as herein-before mentioned.

CCXXIV. Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

1. That an estimate of the expense be made, and signed by the person making the same, and that a subscription be entered into under a contract, made as hereinafter described, to three-fourths the amount of the estimate.
2. That in cases where the work is to be made by means of funds, or out of money to be raised upon the credit of present surplus revenue belonging to any society or company or under the control of directors, trustees, or commissioners, as the case may be, of any existing public work, a declaration stating those facts, and setting forth the nature of such control, and the nature and amount of such funds or surplus revenue, and given under the common seal of the society or company, or under the hand of some authorized officer of such directors, trustees, or commissioners, may be substituted in lieu of such subscription contract, and in addition to the estimate of the expense.
3. That in cases where the work is to be made out of money to be raised upon the security of the rates, duties, or revenue to be created by or to arise under any bill under which no private or per-

sonal pecuniary profit or advantage is to be derived, a declaration stating those facts, and setting forth the means by which funds are to be obtained for executing the work, and signed by the party or agent soliciting the bill, together with an estimate of the probable amount of such rates, duties, or revenue, signed by the person making the same, may be substituted in lieu of the subscription contract, and in addition to the estimate of the expense.

To contain
Christian and
surnames of
parties.

4. That every subscription contract shall contain the Christian and surname, description and place of abode of every subscriber, his signature to the amount of his subscription, with the amount which he has paid up, and the name of the party witnessing such signature, and the date of the same respectively; and that as respects all bills, except railway bills, it be proved to the satisfaction of the committee before whom the compliance with the standing orders shall be proved that a sum equal to one-twentieth part of the amount subscribed, and as respects railway bills a sum equal to one-tenth of the amount subscribed, has been deposited with the Court of Chancery in *England*, if the work is intended to be done in *England*, or with the Court of Chancery in *England* or the Court of Exchequer in *Scotland*, if such work is intended to be done in *Scotland*, or with the Court of Chancery in *Ireland*, if such work is intended to be done in *Ireland*: provided that the above order, so far as respects the sum of money to be deposited, shall not apply to any railway bills which have been before Parliament during the present session and which may again be introduced in the next session; but with respect to such bills a sum equal to one-twentieth of the amount subscribed shall be deposited as before provided in cases of bills other than railway bills. (See Act. 1 & 2 Vict. c. 117.)
5. That no subscription contract, as respects railway bills, shall be valid unless it be entered into subsequent to the commencement of the session of Parliament previous to that in which application is made for the bill to which it relates, nor as re-

Not valid as
respects rail-
way bills, un-
less entered
into subse-
quent to the
commencement.

spects other bills, unless it be entered into subsequently to the close of the session previous to that in which application is made for the bill to which it relates, nor shall any subscription contract be valid unless the parties subscribing to it bind themselves, their heirs, executors, and administrators, for the payment of the money so subscribed.

6. That previous to the second reading of the bill, copies of the subscription contract, with the names of the subscribers arranged in alphabetical order, and the amount of the deposit respectively paid by each such subscriber, or where a declaration and estimate of the probable amount of rates and duties are substituted in lieu of a subscription contract, copies of such declaration and estimate, be printed at the expense of the promoters of the bill, and be delivered at the office of the clerk of the Parliament for the use of this House.
7. That (except in cases where notices are required to be affixed on church-doors, and also except in cases where a written acknowledgment is allowed as evidence of such notice or application) no notice given or application made on a *Sunday* or *Christmas Day*, or before eight o'clock in the forenoon or after eight o'clock in the afternoon of any day, shall be deemed valid.

Emendat. per Ord. 11° Augusti, 1842.

Emendat. per Ord. 8° Augusti, 1844.

Emendat. per Ord. 7° Augusti, 1845.

Die Veneris, 1° Augusti, 1845.

FURTHER STANDING ORDER with respect to Bills for the Incorporation of Companies, to be proved as herein-before mentioned.

CCXXV. That when in any bill to be hereafter introduced into this House for the purpose of establishing a company for carrying on any work or undertaking, the name of any person or persons shall be introduced as manager, director, proprietor, or otherwise concerned in carrying such bill into effect, proof shall be required before the standing order committee that the said per-

son or persons have subscribed their names to the petition for the said bill, or to a printed copy of the said bill, as brought up or introduced into the House.

APPENDIX.

[Form referred to in Standing Order 220—page 86.]

(A.)

No. _____

SIR,

We beg to inform you, that application is intended to be made to Parliament in the ensuing session for “An Act” [*here insert the title of the Act*], and that the property mentioned in the annexed schedule, or some part thereof, in which we understand you are interested as therein stated, will be required for the purposes of the said undertaking, according to the line thereof as at present laid out, or may be required to be taken under the usual powers of deviation to the extent of yards on either side of the said line which will be applied for in the said Act, and will be passed through in the manner mentioned in such schedule.

We also beg to inform you, that a plan and section of the said undertaking, with a book of reference thereto, has been or will be deposited with the several clerks of the peace or sheriff-clerk of the counties of [*specify the counties in which the property is situate*], on or before the 30th of November, and that copies of so much of the said plan and section as relates to the parish or royal burgh in which your property is situate, with a book of reference thereto, has been or will be deposited for public inspection with the clerk of

the said parish, schoolmaster of the parish, town clerk of the royal burgh, postmaster of the post town in or nearest such parish [*as the case may be*], on or before the 31st day of December instant, on which plans your property is designated by the numbers set forth in the annexed schedule.

As we are required to report to Parliament whether you assent to or dissent from the proposed undertaking, or whether you are neuter in respect thereto, you will oblige us by writing your answer of assent, dissent, or neutrality in the form left herewith, and returning the same to us with your signature on or before the day of next; and if there should be any error or misdescription in the annexed schedule, we shall feel obliged by your informing us thereof, at your earliest convenience, that we may correct the same without delay.

We are, sir,

Your most obedient servants,

To

Emendat. per Ord. 11° Augusti, 1842.

APPENDIX.—STANDING ORDERS.

SCHEDULE referred to in the foregoing Notice, and which is intended to show the Property therein alluded to, and the Manner in which the Line of the deposited Section will affect the same.

	Parish.	Number on Plans.	Description.	Owner.	Lessee.	Occupier.	Description of the Sec- tion of the Line de- posited, and of the greatest Height of Bankruptcy and Depth of Cutting.
Property in the Line as at pre- sent laid out.							
Property within the Limits of the Deviation intended to be applied for.							

Die Jovis, 16^o Augusti 1838.

Further STANDING ORDERS for Bills for making, varying, extending, or enlarging Navigable Canals and Rivers, supplying Towns with Water, and Reservoirs, the compliance with which shall be proved as hereinbefore mentioned.

CCXXVI. Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

1. That in all cases where it is proposed to divert into any intended cut, canal, reservoir, aqueduct, or navigation, or into any intended variation, extension, or enlargement thereof respectively, any water from any existing cut, canal, reservoir, aqueduct, or navigation, whether directly or derivatively, and whether under any agreement with the proprietors thereof or otherwise, the notices shall contain the name of every such existing cut, canal, reservoir, aqueduct, or navigation, the waters supplying which, by virtue of any act of Parliament, will, either directly or derivatively, flow or proceed into any such intended cut, canal, reservoir, aqueduct, or navigation, or into any intended variation, extension, or enlargement thereof.
When it is intended to divert water from an existing cut, &c., into an intended cut, &c., the name of the existing cut, &c. to be mentioned.
2. That in all cases where it is proposed to make, vary, extend, or enlarge any cut, canal, reservoir, aqueduct, or navigation, the plan shall describe the brooks and streams to be directly diverted into such intended cut, canal, reservoir, aqueduct, or navigation, or into any variation, extension, or enlargement thereof respectively, for supplying the same with water; it shall also exhibit the height of the several embankments and the depths of the several cuttings respectively, on a scale specified thereon (*see fig. 1*); and in cases of bills for improving the navigation of any river there shall be a section which shall specify the levels of both banks of such river, and where any alteration is intended to be made therein it shall describe the same by feet and inches.
Plan to describe brooks &c. to be diverted.

Emendat. per Ord. 11^o Augusti, 1842.

Additional STANDING ORDERS for Bills for Railways, included in the Second Class of Bills to be proved before the Committee on Standing Orders.

CCXXVII. Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

1. That in the case of railway bills a copy of all plans, sections, and books of reference, required by the orders of the House to be deposited in the office of any clerk of the peace or sheriff clerk on or before the 30th day of *November* immediately preceding the session of Parliament in which application for the bill shall be made, together with a published map to a scale of not less than half an inch to a mile, with the line of railway delineated thereon so as to show its general course and direction, shall on or before the same day be deposited in the office of the railway department of the Board of Trade.
2. That in the case of railway bills a copy of every bill as brought into the House of Lords be deposited in the office of the railway department of the Board of Trade.
3. That the plan shall exhibit thereon the distances in miles and furlongs from one of the termini, and a memorandum of the radius of every curve not exceeding one mile in length shall be noted on the plan in miles, furlongs, and chains.
4. That in every section of a railway the line marked thereon shall correspond with the upper surface of the rails.
5. That distances on the datum line shall be marked in miles and furlongs to correspond with those on the plan. That a vertical measure from the datum line to the line of the railway shall be marked in feet and inches at each change of the gradient or inclination, and that the proportion or rate of inclination between each such change shall also be marked.
6. That the height of the railway over or under the surface of every turnpike road, public carriage road, navigable river, canal, or railway, or junction with a railway, and the height and span of

every arch of all bridges and viaducts, shall be marked in figures at every crossing thereof; and the extreme height over or under the surface of the ground shall be marked for every embankment and cutting; and if any alteration in the present level or rate of inclination of any turnpike-road, carriage-road, or railway be intended, then the same shall be stated on the said section, and each numbered; also that cross sections, in reference to the said numbers, on a horizontal scale of one inch to every three hundred and thirty feet and on a vertical scale of one inch to every forty feet, shall be added to explain the nature of such alterations more clearly.

7. That where tunnelling as a substitute for open cutting, or a viaduct as a substitute for solid embankment, be intended, the tunnelling shall be marked by a dotted line on the plan, and shall also be marked on the section; and the viaduct shall be marked on the section.

Emendat. per Ord. 11° Augusti, 1842.

Emendat. per Ord. 8° Augusti, 1844.

Emendat. per Ord. 7° Augusti, 1845.

STANDING ORDER with respect to Bills included in the Three Classes above mentioned, to be proved before the Committee on the Bill.

CCXXVIII. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That in any bill included in either of the three classes above mentioned, whenever any sum of money is, under the provisions of such Act, to be paid for the purchase or exchange of any lands, tenements, or hereditaments, and which sum of money ought to be laid out in the purchase of other lands, tenements, or hereditaments, to be settled to the same uses, provisions shall be made in the said bill that such sum of money, not being less than the sum of two hundred pounds, be paid into the Bank of *England* in the name and with the privity of the accountant-general of the Court of Chancery, to be placed to his account *ex-parte* the commissioners under such particular bill, or under such other title as by the said bill shall be directed, pursuant to the method prescribed by the Act of

Provision to
be made in in-
closure bills,
&c. relative
to paying
purchase
money into
the bank.

the twelfth year of King *George* the First, chapter thirty-two, and the general orders of the said court, and without fee or reward, if such bill relate to *England*, or into one of the Banks of *Scotland* established by Act of Parliament or Royal Charter if such bill relate to *Scotland*, or into the Bank of *Ireland*, in the name and with the privity of the accountant-general of the Court of Chancery in *Ireland*, pursuant to an Act of the *Irish* Parliament of the 23d and 24th *Geo. III.*, and the general orders of the said court, and without fee or reward, if such bill relate to *Ireland*: and shall, when so paid in, there remain until the same shall, by order of the court into which the same may be paid, or the Court of Session in *Scotland*, in case the same be paid into any bank in *Scotland*, upon a petition to be preferred to the court in a summary way, be applied either in the purchase of land tax, or towards the discharge of any debts or incumbrances affecting the said lands, tenements, and hereditaments so purchased or exchanged; or until the same shall, upon the like application, be laid out in a summary way, by order of the court, in the purchase of other lands, tenements, or hereditaments, to be settled to the like uses; and in the mean time, and until such order can be made, such money may, if paid into the Bank of *England* or Bank of *Ireland*, by order of the court, be laid out in some of the public funds, or in government or real securities, and the dividends or interest arising therefrom shall, by order of the court, be paid to such person or persons as would for the time being be entitled to the rents and profits of such lands, tenements, and hereditaments so to be purchased, conveyed, and settled: And in case such sum of money shall be less than the sum of two hundred pounds, and shall exceed the sum of twenty pounds, then and in such case such sum of money shall, with the approbation of the commissioners acting under such Act, or the directors of any company incorporated under such Act, or any three or more of them, be paid and applied in manner herein-before directed, or may be paid into the hands of two trustees, to be nominated by the person or persons who for the time being would be entitled to the rents and profits of the lands, tenements, and hereditaments so to be purchased and settled, such nomination to be approved of by three or more of the said commissioners or directors, and such nomination and approbation to be

in writing under the hands of the persons so nominating and approving, and the money so paid to such trustee shall by them be applied in like manner as is before directed with respect to the money so to be paid into the Bank of *England*, or any of the Banks of *Scotland* established by Act of Parliament or Royal Charter, or the Bank of *Ireland*, but without any order of the court touching the application thereof: And in case such sum of money shall not exceed twenty pounds, then the same shall be paid to the person or persons who for the time being would be entitled to the rents and profits of the lands, tenements, and hereditaments so to be purchased and conveyed, for his, her, or their own use and benefit.

Emendat. per Ord. 7^o Februarii, 1842.

STANDING ORDER relative to Inclosure or Drainage Bills to be proved before the Committee on the Bill.

CCXXIX. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That if any commissioner in an inclosure or drainage bill shall find any difficulty in obtaining a purchase in land which may be equal in value to such sum of money not exceeding two hundred pounds, as by the last-mentioned standing order is directed to be paid into the bank to await a future purchase, or which purchase may be disadvantageous in other respects, such commissioner shall be at liberty to apply such sum of money towards the expenses of such Act, so far as the proportion of the party entitled to such sum shall amount to; and if there shall be any surplus of such two hundred pounds they may apply such surplus, after such application, in diminution of the sum allowed to be charged upon the estate for the purpose of inclosure or drainage.

Further STANDING ORDERS with respect to Bills for the extending the Terms of Letters Patent, the compliance with which is to be proved before the Committee on the Bill.

CCXXX. Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

1. That no bill for extending the term of any letters patent for any invention or discovery granted under the

great seal of *England, Scotland, or Ireland*, shall be read a third time in this House, unless it shall appear that the letters patent, the term of which it is intended by such bill to extend, will expire within two years from the commencement of the session of Parliament in which the application for such bill shall be made.

2. That no bill for the purpose aforesaid shall be read a third time in this House unless it shall appear that the application to Parliament for extending the term of the letters patent is made by the person, or by the representatives of the person, who himself originally discovered the invention for which such letters patent were granted by his Majesty; and that the knowledge of such invention was not acquired by such person as aforesaid, by purchase or otherwise, from the inventor or owner of the same, or by information that such invention was known and pursued in any foreign country.

STANDING ORDER respecting a Cemetery or Burial-Ground, to be proved before the Committee on the Bill.

CCXXXI. Ordered, by the Lords Spiritual and Temporal in Parliament assembled, That no bill for erecting or making any cemetery or burial-ground shall be read a third time, unless the committee on such bill shall report that such bill contains a provision whereby the company or persons or person intended to be authorized by such bill to make or erect such cemetery or burial-ground are restricted from erecting or making the same, or any part thereof, within three hundred yards of any house of the annual value of fifty pounds, or having a plantation or ornamental garden or pleasure ground occupied therewith, except with the consent of the owner, lessee, and occupier thereof in writing.

STANDING ORDERS with regard to Bills of the Second Class, except Bills for Turnpike-Roads and Railway, to be proved before the Committee on the Bill.

Emendat. per Ord. 8° Augusti, 1844.

CCXXXII. Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

1. That where the level of any road shall be altered in making any work, the ascent of any turnpike-road shall not be more than one foot in thirty feet, and of any other public carriage-road not more than one foot in twenty feet ; and that a good and sufficient fence of four feet high at the least shall be made on each side of every bridge which shall be erected.
2. That in case the work intended to be carried into effect under the authority of the bill shall not have been completed, so as to answer the object of such bill, within a time to be limited, all the powers and authorities thereby given shall thenceforth cease and determine, save only as to so much of such work as shall have been completed within such time, with such provisions and qualifications as the nature of the case shall require.

STANDING ORDERS with regard to the Proceedings of Committees on Railway Bills, to be proved before the Committee on the Bill, who are directed to report specially thereupon.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

1. That committees on railway bills do inquire into the following matters, and that they report specially thereupon, except in the cases hereafter provided :—
 1. As to the proposed capital of the company formed for the execution of the project, and the amount of any loans which they may be empowered to raise by the bill, the amount of shares subscribed for, and the deposits paid thereon; the names and places of residence of the directors or provisional committee, with the amount of shares taken by each; the number of shareholders who may be considered as having a local interest in the line, and the amount of capital subscribed for by them; and the number of other parties and the capital taken by them; a statement of the number of shareholders subscribing for two thousand pounds, and upwards, with their names and residences, and the amount for which they have subscribed.



2. The sufficiency or insufficiency, for agricultural, commercial, manufacturing, or other purposes, of the present means of conveyance and of communication between the proposed termini, stating the present amount of traffic by land or water, the average charges made for passengers and goods, and time occupied.
3. The number of passengers and the weight and description of the goods expected upon the proposed railway.
4. The amount of income expected to arise from the conveyance of passengers and goods, and in what proportion; stating also generally the description of goods from which the largest revenue is anticipated.
5. Whether the proposed railroad be a complete and integral line between the termini specified, or a part of a more extended plan now in contemplation, and likely to be hereafter submitted to Parliament, and to what extent the calculations of remuneration depend on such contemplated extension of the line.
6. That in the case of a railway bill the committee report specially, whether any report from the Board of Trade in regard to the bill, or the objects thereby proposed to be authorized, has been referred by the House to the committee, and if so, whether any and what recommendations contained in such report have been adopted by the committee, and whether any and what recommendations contained in such report have been rejected.
7. To state what planes on the railway are proposed to be worked, either by assistant engines, stationary or locomotive, with the respective lengths and inclinations of such planes.
8. To advert to any peculiar engineering difficulties in the proposed line, and to report the manner in which it is intended they should be overcome.
9. To state the length, breadth, and height, and means of ventilation, of any proposed tunnels,

and whether the strata through which they are to pass are favourable or otherwise.

10. To state whether, in the lines proposed, the gradients and curves are generally favourable or otherwise, and the steepest gradient, exclusive of the inclined planes above referred to, and the smallest radius of a curve.
11. To state the length of the main line of the proposed line of the railroad and of its branches respectively.
12. To state generally the fitness, in an engineering point of view, of the projected line of railroad.
13. If it be intended that the railroad should pass on a level any turnpike road or highway, to call the particular attention of the House to that circumstance.
14. To state the amount of the estimates of the cost or other expenses to be incurred up to the time of the completion of the railway, and whether they appear to be supported by evidence, and to be fully adequate for the purpose.
15. To state what is the estimated charge of the annual expenses of the railroad when completed, and how far the calculations on which the charge is estimated have been sufficiently proved.
16. Whether the calculations proved in evidence before the committee have satisfactorily established that the revenue is likely to be sufficient to support the annual charges of the maintenance of the railroad, and still allow profit to the projectors.
17. The number of assents, dissents, and neuters upon the line, and the length and amount of property belonging to each class traversed by the said railroad, distinguishing owners from occupiers; and in the case of any bill to vary the original line, stating the above particulars with reference to such parties only as may be affected by the proposed deviation.
18. To state the name or names of the engineers examined in support of the bill, and of those, if any, examined in opposition to it.

19. To state the main allegation of any petition or petitions which may have been referred to the committee in opposition to the preamble of the bill, or to any of its clauses ; and whether the allegations have been considered by the committee, and if not considered, the cause of their not having been so.
20. To state, in addition, any circumstances which, in the opinion of the committee, it is desirable the House should be informed of.

Specific replies to be given.

2. That this House will not proceed, except in the cases hereafter provided, with the further consideration of report of any bill until it has received from the committee specific replies in answer to each of the questions contained in the first of the standing orders with regard to the proceedings of committees on railway bills.
3. That in those cases where there shall be no opposition, or no parties shall appear in support of a petition in opposition, to any bills for railways before this House, or where the opposition shall have been withdrawn, it shall be in the discretion of the committee to determine how far it may be necessary to inquire into the facts required to be proved by the first of the standing orders with regard to the proceedings of committees on railway bills.

In case there is no opposition, or the parties do not appear in support of a petition.

Provisions to be inserted in bills :

4. That no bill for any railway, included in the second class of bills, shall be read a third time in this House unless provision be made :

Restrictions as to mortgage.

Level of roads.

1. That no such company shall be authorized to raise, by loan or mortgage, a larger sum than one-third of their capital, and that until fifty per cent. on the whole of the capital shall have been paid up it shall not be in the power of the company to raise any money by loan or mortgage.
2. That where the level of any road shall be altered in making any railway, the ascent of any turnpike-road shall not be more than one foot in thirty feet, and of any other public carriage-road not more than one foot in twenty feet, unless a report from some officer of the railway department of the Board of Trade shall

be laid before the committee on the bill, recommending that steeper ascents than the above may be allowed, with the reasons and facts upon which such opinion is founded, and the committee shall report in favour of such recommendation; and that a good and sufficient fence of four feet high at the least shall be made on each side of every bridge which shall be erected.

3. That no railway whereon carriages are propelled by steam or by atmospheric agency, or drawn by ropes in connection with a stationary steam engine, shall be made across any turnpike-road or other public carriage-way on the level, unless the committee on the bill report that such a restriction ought not to be enforced, with the reasons and facts upon which their opinion is founded. Crossing of roads on a level.
4. That in case the work intended to be carried into effect under the authority of the bill shall not have been completed, so as to answer the objects of such bill, within a time to be limited, all the powers and authorities thereby given shall henceforth cease and determine, save only as to so much of such work as shall have been completed within such time, with such provisions and qualifications as the nature of the case shall require. Failure of completion of works.
5. That in all such bills there be inserted the following clauses (except where the same objects shall have been provided for in some act applicable to the undertaking intended to be authorized by the bill):
 1. And be it enacted, That it shall not be lawful for the said company to proceed in the execution of the said railway hereinbefore authorized to be made unless the said company shall have, previously to the commencement of such work, deposited with the clerk of the peace of the several counties in *England* or *Ireland*, and in the office of the principal sheriff clerk in every county in *Scotland*, in or through which the said railway hereby authorized to be made is intended to pass, a plan and section of all such Railway not to be proceeded with till certain plans, &c. deposited.

alterations from the original plan and section as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section of the railway; and also with the clerks of the several parishes in *England*, the school-masters of the several parishes in *Scotland* (or in the royal burghs with the town clerk), and the post-masters of the post towns in or nearest to such parishes in *Ireland* in or through which such alterations shall have been authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively; and all persons interested shall have liberty to inspect and make extracts from or copies of the said plans and sections, or extracts or copies thereof, paying to the officer having the custody of such plan and section, or of such extract or copy, the sum of one shilling for every such inspection, and after the rate of six-pence for every one hundred words copied therefrom.

Limiting deviations from
datum line
described on
the section,
&c.

2. And be it enacted, That in making the said railway it shall not be lawful for the said company to deviate from the levels of the said railway as referred to the commona datum line described on the section so approved of by Parliament, and as marked on the same, to any extent exceeding in any place five feet, or in passing through towns two feet, without the consent of the owners, lessees, and occupiers of the land in, through, or over which such deviation is intended to be made; or in case any street or public carriage-road shall be affected by such deviation, then the same shall not be made without the consent of the trustees or commissioners, or if there be no such trustees or commissioners, without the consent of two or more justices of the peace in petty sessions assembled for that purpose, and acting for the district in which such street or public carriage-road may be situated, or without the consent of the commissioners for any public sewers, or the proprietors of any canal or navigation

affected by such deviation: Provided always, That it shall be lawful for the company to deviate from the said levels to a further extent without such consent as aforesaid, by lowering solid embankments or viaducts, provided that the requisite height of headway prescribed by Act of Parliament be left for roads, streets, or canals passing under the same.

3. And be it enacted, That where in any place it is intended to carry the railway on an arch or arches, or other viaduct, as marked on the said plan or section, the same shall be made accordingly; and where a tunnel is marked on the said plan or section as intended to be made at any place, the same shall be made accordingly, unless the owners, lessees, and occupiers of the land in or through which such tunnel is intended to be made shall consent that the same shall not be so made: Provided always, That notice of every petty sessions to be holden for the purpose of obtaining such consent as is hereinbefore required, shall, fourteen days previous to the holding of such petty sessions, be given in some newspaper circulating in the county, and also be affixed upon the church-door of the parish in which such deviation or alteration is intended to be made, or if there be no church, some other place to which notices are usually affixed; and provided also, That, for the purpose of consenting to any deviations from the said sections, and to any tunnelling or arching as aforesaid, the word "owners" shall be deemed and taken to mean such persons as are herein capacitated to agree for the sale of, and to convey land for the making of the said railway; and the consent of such persons, with or without the consent of any other persons interested as owners in the said lands, shall be deemed and taken to be sufficient for such purposes.
4. And be it enacted, That it shall not be lawful for the said company to deviate from or alter the gradients, curves, tunnels, or other engineering works described in the said plan or Limits the
alteration of
curves.

114 APPENDIX.—STANDING ORDERS.

Ordered, That the said orders be declared standing orders, and that they be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Emendat. per Ord. 7^o Augusti, 1845.

them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by this Act being eligible as members of such new body."

FURTHER STANDING ORDERS.

Ordered, by the Lords Spiritual and Temporal in Parliament assembled,—

1. That all private bills relating to railways, which shall have been opposed, and in which any amendments shall have been made in the committee, shall be reprinted as amended previously to the third reading, unless the chairman of the committee shall certify that the reprinting of such bill is unnecessary.
Amended railway bills to be reprinted.
2. That in case any proprietor of such company who, by himself or any person authorized to act for him in that behalf, shall have dissented at the meeting called in pursuance of the aforesaid standing order, No. 5 (page 86), to empower any company already constituted by Act of Parliament to execute any work other than that for which it was originally established, such proprietor shall be permitted, on petitioning the House, to be heard by the committee on standing orders on the compliance with the standing orders, by himself, his agents and witnesses, or by the committee on the proposed bill, by himself, his counsel or agents, and witnesses.
3. That the standing orders with respect to committees on opposed bills (page 84) of the three classes above mentioned be extended and applicable to all opposed bills, except estate bills, name bills, naturalization and divorce bills.
4. That a copy of every railway bill as proposed to be amended in the committee shall be deposited in the Board of Trade two days before the same shall be reported to the House, and also a copy of every bill as amended in the committee shall be deposited at the Board of Trade two days before the same shall be read a third time in the house.

114 APPENDIX.—STANDING ORDERS.

Ordered, That the said orders be declared standing orders, and that they be entered on the roll of standing orders of this House, and printed and published, to the end all persons concerned may the better take notice of the same.

Emendat. per Ord. 7^o Augusti, 1845.

RAILWAY CLAUSES CONSOLIDATION ACT.

8 VICT. CAP. XX.

An Act for consolidating in One Act certain Provisions
usually inserted in Acts authorizing the making of
Railways.

[8th May, 1845.]

WHEREAS it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament authorizing the construction of railways, and that, as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings, as for ensuring greater uniformity in the provisions themselves: And whereas a bill is now pending in Parliament, intituled "An Act for consolidating in one Act certain provisions usually inserted in Acts authorizing the taking of lands for undertakings of a public nature," and which is intended to be called "The Lands Clauses Consolidation Act, 1845:" May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, That this Act shall apply to every railway which shall by any Act which shall hereafter be passed be authorized to be constructed, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions

Operation of
this Act con-
fined to
future rail-
ways.

of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

Interpretations in this Act :

"special Act:"

"prescribed:"

"the Lands:"

"the Undertaking."

Interpretations in this and the special Act :

Number :

Gender :

"Lands:"

"Lease:"

"Toll:"

And with respect to the construction of this Act and of other Acts to be incorporated therewith, be it enacted as follows :

II. The expression "the special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed authorizing the construction of a railway, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used; and the expression "the Lands" shall mean the lands which shall by the special Act be authorized to be taken or used for the purposes thereof; and the expression "the Undertaking" shall mean the railway and works, of whatever description, by the special Act authorized to be executed.

III. The following words and expressions, both in this and the special Act, shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,) .

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include also the singular number:

Words importing the masculine gender only shall include females:

The word "Lands" shall include messuages, lands, tenements, and hereditaments of any tenure:

The word "Lease" shall include an agreement for a lease:

The word "Toll" shall include any rate or charge or other payment payable under the special Act for any passenger, animal, carriage, goods, merchandize, articles, matters, or things conveyed on the railway:

The word "Goods" shall include things of every "Goods:" kind conveyed upon the railway:

The word "Month" shall mean calendar month: "Month:"

The expression "Superior Courts" shall mean her "Superior Majesty's Superior Courts of Record at *Westminster* courts:" or *Dublin*, as the case may require:

The word "Oath" shall include affirmation in the "Oath:" case of Quakers, or other declaration lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:

The word "County" shall include any riding or other "County:" like division of a county, and shall also include county of a city or county of a town:

The word "Sheriff" shall include under sheriff or "the Sheriff:" other legally competent deputy; and where any matter in relation to any lands is required to be done by any sheriff or clerk of the peace, the expression "the Sheriff," or the expression "the Clerk of the Peace," shall in such case be construed ^{the Clerk of the Peace:} to mean the sheriff or the clerk of the peace of the county, city, borough, liberty, cinque port, or place where such lands shall be situate; and if the lands in question, being the property of one and the same party, be situate not wholly in one county, city, borough, liberty, cinque port, or place, the same expression shall be construed to mean the sheriff or clerk of the peace of any county, city, borough, liberty, cinque port, or place where any part of such lands shall be situate:

The word "Justice" shall mean justice of the peace "Justice:" acting for the county, city, borough, liberty, cinque port, or place where the matter requiring the cognizance of any such justice shall arise, and who shall not be interested in the matter; and where such matter shall arise in respect of lands, being the property of one and the same party, situate not wholly in any one county, city, borough, liberty, cinque port, or place, shall mean a justice acting for the county, city, borough, liberty, cinque port, or place where any part of such lands shall be situate, and who shall not be interested in such matter; and where any matter shall be authorized or required to be done by two justices, the expression

"two Justices :"

" Owner :"

"the Company :"

"the Railway :"

" Board of Trade :"

" the Bank :"

" Turnpike-road," Ireland :

" Surveyor," Ireland :

" Overseers of the poor," Ireland.

Short title of the Act.

" Two Justices " shall be understood to mean two justices assembled and acting together :

Where under the provisions of this or the special Act any notice shall be required to be given to the owner of any lands, or where any Act shall be authorized or required to be done with the consent of any such owner, the word " Owner " shall be understood to mean any person or corporation who, under the provisions of this or the special Act, or any Act incorporated therewith, would be enabled to sell and convey lands to the company :

The expression " the Company " shall mean the company or party which shall be authorized by the special Act to construct the railway :

The expression " the Railway " shall mean the railway and works by the special Act authorized to be constructed :

The expression " the Board of Trade " shall mean the lords of the committee of her Majesty's privy council appointed for trade and foreign plantations :

The expression " the Bank " shall mean the Bank of *England*, where the same shall relate to moneys to be paid or deposited in respect of lands situate in *England*; and shall mean the Bank of *Ireland* where the same shall relate to moneys to be paid or deposited in respect of lands situate in *Ireland* :

The expression " Turnpike-Road " shall, when applied to any road in *Ireland*, include any road upon which her Majesty's mails are or shall be carried in mail carriages; or such other roads as the commissioners of public works in *Ireland* shall consider to require arches of greater width or height than by this Act is required for public carriage-roads :

The expression " Surveyor," applied to a road or highway, shall, as to railways in *Ireland*, include the county surveyor :

The expression " Overseers of the Poor," when applied to *Ireland*, shall include the poor law guardians of the electoral division and the clerk of the guardians of the Union through which such railway may pass.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal instruments, it

shall be sufficient to use the expression "The Railways Clauses Consolidation Act, 1845."

V. And whereas it may be convenient, in some cases, to incorporate with Acts hereafter to be passed some portion only of the provisions of this Act; be it therefore enacted, That, for the purpose of making any such incorporation, it shall be sufficient in any such act to enact that the clauses of this Act with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act, in the words introductory to the enactment with respect to such matter,) shall be incorporated with such Act, and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

And with respect to the construction of the railway *Construction* and the works connected therewith, be it enacted as *Railway*. follows:

VI. In exercising the power given to the company by the special Act to construct the railway, and to take lands for that purpose, the company shall be subject to the provisions and restrictions contained in this Act and in the said Lands Clauses Consolidation Act; and the company shall make to the owners and occupiers of and all other parties interested in any lands taken or used for the purposes of the railway, or injuriously affected by the construction thereof, full compensation for the value of the lands so taken or used, and for all damage sustained by such owners, occupiers, and other parties, by reason of the exercise, as regards such lands, of the powers by this or the special Act, or any Act incorporated therewith, vested in the company; and, except where otherwise provided by this or the special Act, the amount of such compensation shall be ascertained and determined in the manner provided by the said Lands Clauses Consolidation Act for determining questions of compensation with regard to lands purchased or taken under the provisions thereof; and all the provisions of

Form in
which por-
tions of this
Act may be
incorporated
in other Acts.

the said last-mentioned Act shall be applicable to determining the amount of any such compensation, and to enforcing the payment or other satisfaction thereof.

Errors and omissions in plans to be corrected.

VII. If any omission, misstatement, or erroneous description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the plans or books of reference mentioned in the special Act, or in the schedule to the special Act, it shall be lawful for the company, after giving ten days' notice to the owners of the lands affected by such proposed correction, to apply to two justices for the correction thereof; and if it shall appear to such justices that such omission, misstatement, or erroneous description arose from mistake, they shall certify the same accordingly, and they shall in such certificate state the particulars of any such omission, and in what respect any such matter shall have been misstated or erroneously described; and such certificate shall be deposited with the clerks of the peace of the several counties in which the lands affected thereby shall be situate, and shall also be deposited with the parish clerks of the several parishes in *England*, and with the postmasters of the post towns in or nearest to such parishes in *Ireland*, in which the lands affected thereby shall be situate; and such certificate shall be kept by such clerks of the peace, parish clerks, and postmasters respectively along with the other documents to which they relate; and thereupon such plan, book of reference, or schedule shall be deemed to be corrected according to such certificate; and it shall be lawful for the company to make the works in accordance with such certificate.

Works not to be proceeded with until plans of all alterations authorized by Parliament have been deposited.

VIII. It shall not be lawful for the company to proceed in the execution of the railway unless they shall have previously to the commencement of such work deposited with the clerks of the peace of the several counties in or through which the railway is intended to pass a plan and section of all such alterations from the original plan and section as shall have been approved of by Parliament, on the same scale and containing the same particulars as the original plan and section of the railway, and shall also have deposited with the clerks of the several parishes in *England*, and the postmasters of the post towns in or nearest to such parishes in *Ireland*, in or through which such alterations shall have been

authorized to be made, copies or extracts of or from such plans and sections as shall relate to such parishes respectively.

IX. The said clerks of the peace, parish clerks, and Clerks of the postmasters shall receive the said plans and sections of receive plans alterations, and copies and extracts thereof respectively, of alterations, and shall retain the same, as well as the said original inspection. plans and sections, and shall permit all persons interested to inspect any of the documents aforesaid, and to make copies and extracts of and from the same, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of the original plans and sections by an act passed in the first year of the reign of her present Majesty, intituled "An Act ^{7 W. 4, &} 1 Vict. c. 83. to compel Clerks of the Peace for Counties and other Persons to take the custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

X. True copies of the said plans and books of reference, or of any alteration or correction thereof, or extract Copies of plans, &c. to be evidence. therefrom, certified by any such clerk of the peace, which certificate such clerk of the peace shall give to all parties interested, when required, shall be received in all courts of justice or elsewhere as evidence of the contents thereof.

XI. In making the railway it shall not be lawful for the company to deviate from the levels of the railway, as referred to the common datum line described in the section approved of by Parliament, and as marked on the same, to any extent exceeding in any place five feet, or, in passing through a town, village, street, or land continuously built upon, two feet, without the previous consent in writing of the owners and occupiers of the land in which such deviation is intended to be made; or in case any street or public highway shall be affected by such deviation, then the same shall not be made without the like consent of the trustees or commissioners having the control of such street or public highway, or, if there be no such trustees or commissioners, without the like consent of two or more justices of the peace in petty sessions assembled for that purpose, and acting for the district in which such street or public highway may be situated, or without the like consent of the commissioners Limiting deviation from datum line described on sections, &c.

Proviso.

for any public sewers, or the proprietors of any canal, navigation, gas works, or waterworks affected by such deviation: Provided always, that it shall be lawful for the company to deviate from the said levels to a further extent without such consent as aforesaid, by lowering solid embankments or viaducts, provided that the requisite height of headway as prescribed by act of Parliament be left for roads, streets, or canals passing under the same: Provided also, that notice of every petty sessions to be holden for the purpose of obtaining such consent of two justices as is hereinbefore required shall, fourteen days previous to the holding of such petty sessions, be given in some newspaper circulating in the county, and also be affixed upon the door of the parish church in which such deviation or alteration is intended to be made, or, if there be no church, some other place to which notices are usually affixed.

*Public notice
to be given
previous to
making
greater
deviations.*

XII. Before it shall be lawful for the company to make any greater deviation from the level than five feet, or, in any town, village, street, or land continuously built upon, two feet, after having obtained such consent as aforesaid, it shall be incumbent on the company to give notice of such intended deviation by public advertisement, inserted once at least in two newspapers, or twice at least in one newspaper, circulating in the district or neighbourhood where such deviation is intended to be made, three weeks at least before commencing to make such deviation; and it shall be lawful for the owner of any lands prejudicially affected thereby, at any time before the commencement of the making of such deviation, to apply to the Board of Trade, after giving ten days' notice to the company, to decide whether, having regard to the interests of such applicants, such proposed deviation is proper to be made; and it shall be lawful for the Board of Trade, if they think fit, to decide such question accordingly, and by their certificate in writing either to disallow the making of such deviation or to authorize the making thereof, either simply or with any such modification as shall seem proper to the Board of Trade; and after any such certificate shall have been given by the Board of Trade it shall not be lawful for the company to make such deviation, except in conformity with such certificate.

*Power to the
owners of
adjoining
lands to
appeal to the
Board of
Trade against
such devia-
tions.*

XIII. Where in any place it is intended to carry the railway on an arch or arches or other viaduct, as marked on the said plan or section, the same shall be made accordingly; and where a tunnel is marked on the said plan or section as intended to be made at any place, the same shall be made accordingly, unless the owners, lessees, and occupiers of the land in which such tunnel is intended to be made shall consent that the same shall not be so made.

Arches, tunnels, &c. to be made as marked on deposited plans.

XIV. It shall not be lawful for the company to deviate from or alter the gradients, curves, tunnels, or other engineering works described in the said plan or section, except within the following limits, and under the following conditions; (that is to say,) Limiting deviations from gradients, curves, &c.

Subject to the above provisions in regard to altering levels, it shall be lawful for the company to diminish the inclination or gradients of the railway to any extent, and to increase the said inclination or gradients as follows; (that is to say,) in gradients of an inclination not exceeding one in a hundred, to any extent not exceeding ten feet *per mile*, or to any further extent which shall be certified by the Board of Trade to be consistent with the public safety, and not prejudicial to the public interest; and in gradients of or exceeding the inclination of one in a hundred, to any extent not exceeding three feet *per mile*, or to any further extent which shall be so certified by the Board of Trade as aforesaid:

It shall be lawful for the company to diminish the radius of any curve described in the said plan to any extent which shall leave a radius of not less than half a mile, or to any further extent authorized by such certificate as aforesaid from the Board of Trade:

It shall be lawful for the company to make a tunnel, not marked on the said plan or section, instead of a cutting, or a viaduct instead of a solid embankment, if authorized by such certificate as aforesaid from the Board of Trade.

XV. It shall be lawful for the company to deviate from the line delineated on the plans so deposited, provided that no such deviation shall extend to a greater Lateral deviations.

distance than the limits of deviation delineated upon the said plans, nor to a greater extent in passing through a town, village, or lands continuously built upon than ten yards, or elsewhere to a greater extent than one hundred yards from the said line, and that the railway by means of such deviation be not made to extend into the lands of any person, whether owner, lessee, or occupier, whose name is not mentioned in the books of reference, without the previous consent in writing of such person, unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake shall have been certified in manner herein or in the special Act provided for in cases of unintentional errors in the said books of reference.

Works to be executed.

XVI. Subject to the provisions and restrictions in this and the special Act, and any Act incorporated therewith, it shall be lawful for the company, for the purpose of constructing the railway, or the accommodation works connected therewith, hereinafter mentioned, to execute any of the following works; (that is to say,))

Inclined planes, &c.

They may make or construct in, upon, across, under, or over any lands, or any streets, hills, valleys, roads, railroads, or tramroads, rivers, canals, brooks, streams, or other waters, within the lands described in the said plans, or mentioned in the said books of reference or any correction thereof, such temporary or permanent inclined planes, tunnels, embankments, aqueducts, bridges, roads, ways, passages, conduits, drains, piers, arches, cuttings, and fences as they think proper;

Alteration of course of rivers, &c.

They may alter the course of any rivers not navigable, brooks, streams, or watercourses, and of any branches of navigable rivers, such branches not being themselves navigable, within such lands, for the purpose of constructing and maintaining tunnels, bridges, passages, or other works over or under the same, and divert or alter, as well temporarily as permanently, the course of any such rivers or streams of water, roads, streets, or ways, or raise or sink the level of any such rivers or streams, roads, streets, or ways, in order the more conveniently to carry the same over or under or by the side of the railway, as they may think proper;

They may make drains or conduits into, through, or under any lands adjoining the railway, for the purpose of conveying water from or to the railway;

They may erect and construct such houses, warehouses, houses, offices, and other buildings, yards, stations, wharfs, engines, machinery, apparatus, and other works and conveniences as they think proper;

They may from time to time alter, repair, or discontinue the before-mentioned works or any of them, and substitute others in their stead; and

They may do all other acts necessary for making, maintaining, altering, or repairing, and using the railway:

Provided always, that in the exercise of the powers by this or the special Act granted the company shall do as little damage as can be, and shall make full satisfaction in manner herein and in the special Act, and any Act incorporated therewith, provided, to all parties interested, for all damage by them sustained by reason of the exercise of such powers.

XVII. It shall not be lawful for the company to construct on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, where and so far up the same as the tide flows and refluxes, any work, or to construct any railway or bridge across any creek, bay, arm of the sea, or navigable river, where and so far up the same as the tide flows and refluxes, without the previous consent of her Majesty, her heirs and successors, to be signified in writing under the hands of two of the commissioners of her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and of the lord high admiral of the United Kingdom of *Great Britain and Ireland*, or the commissioners for executing the office of lord high admiral aforesaid for the time being, to be signified in writing under the hand of the secretary of the admiralty, and then only according to such plan and under such restrictions and regulations as the said commissioners of her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and the said lord high admiral, or the said commissioners, may approve of, such approval being signified as last aforesaid; and where any such work, railway, or bridge shall have been constructed it shall not be lawful for the

Works below
high water-
mark not to
be executed
without the
consent of the
Lords of the
Admiralty.

company at any time to alter or extend the same without obtaining, previously to making any such alteration or extension, the like consents or approvals; and if any such work, railway, or bridge shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said commissioners of her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, or the said lord high admiral, or the said commissioners for executing the office of lord high admiral, to abate and remove the same, and to restore the site thereof to its former condition, at the cost and charge of the company; and the amount thereof may be recovered in the same manner as a penalty is recoverable against the company.

Alteration of
water and
gas pipes, &c.

XVIII. It shall be lawful for the company, for the purpose of constructing the railway, to raise, sink, or otherwise alter the position of any of the watercourses, water-pipes, or gas-pipes belonging to any of the houses adjoining or near to the railway, and also the mains and other pipes laid down by any company or society who may furnish the inhabitants of such houses or places with water or gas, and also to remove all other obstructions to such construction, so as the same respectively be done with as little detriment and inconvenience to such company, society, or inhabitants as the circumstances will admit, and be done under the superintendence of the company to which such water-pipes or gas-pipes belong, and of the several commissioners or trustees, or persons having control of the pavements, sewers, roads, streets, highways, lanes, and other public passages and places within the parish or district where such mains, pipes, or obstructions shall be situate, or of their surveyor, if they or he think fit to attend, after receiving not less than forty-eight hours' notice for that purpose.

Company not
to disturb
pipes until
they have
laid down
others.

XIX. Provided always, That it shall not be lawful for the company to remove or displace any of the mains or pipes (other than private service pipes), syphons, plugs, or other works belonging to any such company or society, or to do anything to impede the passage of water or gas into or through such mains or pipes, until good and sufficient mains or pipes, syphons, plugs, and all other works necessary or proper for continuing the supply of water or gas as sufficiently as the same

was supplied by the mains or pipes proposed to be removed or displaced, shall, at the expense of the company, have been first made and laid down in lieu thereof, and be ready for use, in a position as little varying from that of the pipes or mains proposed to be removed or displaced as may be consistent with the construction of the railway, and to the satisfaction of the surveyor or engineer of such water or gas company or society, or, in case of disagreement between such surveyor or engineer and the company, as a justice shall direct.

XX. It shall not be lawful for the company to lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas company or society, or to cause any road to be lowered for the purposes of the railway, without leaving a covering of not less than eighteen inches from the surface of the road over such mains or pipes.

Pipes not to
be laid con-
trary to
any Act, and
18 inches sur-
face-road to
be retained.

XXI. The company shall make good all damage done to the property of the water or gas company or society, by the disturbance thereof, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with the mains, pipes, or works of such water or gas company or society, or with the private service pipes of any person supplied by them with water.

Company to
make good
all damage.

XXII. If it shall be necessary to construct the railway or any of the works over any mains or pipes of any such water or gas company or society, the company shall, at their own expense, construct and maintain a good and sufficient culvert over such main or pipe, so as to leave the same accessible for the purpose of repairs.

When rail-
way crosses
pipes, com-
pany to make
a culvert.

XXIII. If by any such operations as aforesaid the company shall interrupt the supply of any water or gas they shall forfeit twenty pounds for every day that such supply shall be so interrupted, and such penalty shall be appropriated to the benefit of the poor of the parish in which such obstruction shall occur, in such manner as the overseers of the poor of the parish shall direct.

Penalty for
obstructing
supply of gas
or water.

XXIV. If any person wilfully obstruct any person acting under the authority of the company in the lawful exercise of their power, in setting out the line of the

Penalty for
obstructing
construction
of railway.

railway, or pull up or remove any poles or stakes driven into the ground for the purpose of so setting out the line of the railway, or deface or destroy any marks made for the same purpose, he shall forfeit a sum not exceeding five pounds for every such offence.

Drainage of Lands.

1 & 2 W. 4.
c. 57.

5 & 6 Vict.
c. 89.

And whereas there are large tracts of land in *Ireland* subject to flood and injury by water, and the rivers, streams, and watercourses are in many places obstructed by shoals, insufficient bridges, culverts, weirs, and other works, whereby the waters thereof are elevated above their natural level : And whereas an Act of Parliament was passed in the second year of the reign of his late Majesty King *William* the Fourth, intituled "An Act "to empower Landed Proprietors in *Ireland* to sink, "embank, and remove obstructions in rivers :" And whereas another Act was passed in the sixth year of the reign of her present Majesty, intituled "An Act to pro- "mote the Drainage of Lands, and Improvement of "Navigation and Water Power in connection with such "Drainage, in *Ireland* :" and by the said last-mentioned Act public commissioners were appointed to carry the said last-recited Act into execution : And whereas it is essential, for carrying into effect the purposes of the said Acts, and for the improvement of agriculture, that ample provision be made in all railway-works in *Ireland* for the free and uninterrupted passage of the waters at such level as will be sufficient not only for the present but all future discharge of the waters from lands crossed by or being on either side of such works, and that the bridges of railways crossing all watercourses, rivers, lakes, or estuaries, which are or hereafter may be made navigable shall be so constructed as to admit of the commodious navigation of the same, therefore, with respect to the provision to be made for the drainage of land in *Ireland* which may be crossed by the railway, and for the protection of the navigation connected therewith, be it enacted as follows :

The company from time to submit to the drainage commissioners in Ireland plans, &c. of

XXV. If the special Act shall authorize the construction of a railway in *Ireland*, the company shall and they are hereby required, from time to time, before proceeding to construct any portion of the railway, to submit to the commissioners acting in execution of the said Act of the sixth year of her present Majesty, or any act amend-

ing the same, such plans, sections, and surveys as shall the portion of be necessary to enable the said commissioners to decide ^{the railway} which they upon the number and adequacy of the waterways of all are about to bridges, culverts, tunnels, watercourses, and other works execute. across the line of such portion as aforesaid of the railway, for the free and uninterrupted discharge of the waters from all lands crossed by or lying on either side of or near the railway, at such level as shall in the opinion of the said commissioners be sufficient for the present and prospective drainage and improvement of such lands, and (in cases of rivers, lakes, estuaries, or watercourses, which are now or may be capable of being made navigable) upon the height and adequacy of all bridges and works crossing the same, for the commodious navigation thereof.

XXVI. The said commissioners shall and they are hereby required, without any unnecessary delay, to investigate, by such means as to them shall seem fit, the adequacy of all such works for such purposes as aforesaid, and to decide and certify, by a writing under their hands, or the hands of any two of them, the number, situation, and least possible dimensions as to breadth, depth, and height of the several openings of such bridges, culverts, tunnels, or other works connected with such portion of the railway as aforesaid, which shall be necessary for the passage of water, or for navigation under or across such railway; and it shall not be lawful for the company to proceed with the execution of any of the works connected with any portion of the railway without having first obtained such a certificate as aforesaid respecting such portion of the railway, under the hands of the said commissioners or any two of them, as aforesaid; nor shall the company be at liberty to deviate from such certificate in respect to such works, nor to execute the same otherwise than in conformity therewith, without the previous approbation in writing of the said commissioners.

XXVII. It shall be lawful for the said commissioners to apply by petition in a summary way to the Court of Chancery, complaining of any omission on the part of the company to submit such plans, sections, and surveys to the said commissioners as aforesaid, or of the omission to construct any such bridge, culvert, tunnel, or other works for the passage of water, in such manner as shall

Such commissioners to investigate and report on the works necessary for drainage.

be so certified by the said commissioners, and thereupon it shall be lawful for the said court to direct such works to be made or constructed by the company in such manner as shall be conformable to the certificate of the said commissioners, and to the said court shall seem necessary or proper, and to make from time to time such further or other order for restraining the company or any other persons from proceeding with any of the works connected with such portion of railway, except in conformity with the certificate of the said commissioners, and to issue any writ of injunction for the purpose aforesaid ; and such court shall have power to award costs to be paid by such company or persons.

Saving of the powers of the drainage commissioners.

XXVIII. Nothing in this or the special Act shall extend or be construed to prejudice or affect the powers or authorities of the commissioners acting in execution of the said act of the sixth year of her present Majesty, but all such powers shall be in full force as to the formation of any cut, river, or watercourse across the railway, but such powers shall not be exercised so as to prevent or obstruct the working or using of the railway.

The drainage commissioners in Ireland have power to decide questions as to the execution of works, or to execute works for carrying water courses across the railway.

XXIX. And whereas it is expedient to encourage the establishment of manufactories to be worked by water-power in *Ireland*; be it therefore enacted, That whenever it may be requisite for the formation of a water-course for manufacturing purposes to construct an arch, culvert, tunnel, or watercourse beneath or an aqueduct above any railway in *Ireland*, and that differences shall have arisen between the directors of such railway and the person interested in obtaining the water-power, either as to the manner in which such works shall be executed, or the amount of compensation which should be paid, it shall be lawful to refer the questions in issue to the commissioners acting under the said recited Act of the fifth and sixth years of the reign of her Majesty Queen *Victoria*, and their decision thereon shall be final and conclusive; and if the said commissioners shall be of opinion that the proposed works can be executed without injury to the railway, and if they shall think proper so to do, they may undertake the execution of so much of the said works as shall be in connexion with such railway, at the expense of the parties for whose benefit the watercourse shall be made, with the same

powers and authorities as are given by the said Act for the execution of any works for drainage.

And with respect to the temporary occupation of lands near the railway during the construction thereof, be it enacted as follows :

XXX. Subject to the provisions herein and in the Company special Act contained, it shall be lawful for the company, temporarily at any time before the expiration of the period by the private roads special Act limited for the completion of the railway, to within five hundred yards enter upon and use any existing private road, being a yards of the road gravelled or formed with stones or other hard railway materials, and not being an avenue or a planted or ornamental road, or an approach to any mansion-house, within the prescribed limits, if any, or, if no limits be prescribed, not being more than five hundred yards distant from the centre of the railway as delineated on the plans ; but before the company shall enter upon or use any such existing road they shall give three weeks' notice of their intention to the owners and occupiers of such road, and of the lands over which the same shall pass, and shall in such notice state the time during which, and the purposes for which, they intend to occupy such road, and shall pay to the owners and occupiers of such road, and of the lands through which the same shall pass, such compensation for the use and occupation of such road, either in a gross sum of money or by half-yearly instalments, as shall be agreed upon between such owners and occupiers respectively and the company, or in case they differ about the compensation the same shall be settled by two justices, in the same manner as any compensation not exceeding fifty pounds is directed to be settled by the said Lands Clauses Consolidation Act.

XXXI. It shall be lawful for the owners and occupiers of any such road, and of the lands over which the same passes, within ten days after the service of the road and aforesaid notice, by notice in writing to the company to object to the company making use of such road, on the ground that other roads, such as the company are hereinbefore authorized to use for the purposes aforesaid, or that some public road, would be more fitting to be used for the same ; and upon the objection being so made such proceedings may be had as are hereinafter men-

*Temporary
Use of
Lands.*

tioned with respect to lands temporarily occupied by the company, in respect of which three weeks' notice is hereinafter required to be given, and in the same manner as if in the provisions relative to such proceedings the word road or roads, or the words road and the land over which the same passes, as the case may require, had been substituted in such provisions for the word lands.

Power to take temporary possession of land without previous payment of price.

XXXII. Subject to the provisions herein and in the special Act contained, it shall be lawful for the company, at any time before the expiration of the period by the special Act limited for the completion of the railway, without making any previous payment, tender, or deposit, to enter upon any lands within the prescribed limits, or, if no limits be prescribed, not being more than two hundred yards distant from the centre of the railway as delineated on the plans, and not being a garden, orchard, or plantation attached or belonging to a house, nor a park, planted walk, avenue, or ground ornamenteally planted, and not being nearer to the mansion-house of the owner of any such lands than the prescribed distance, or if no distance be prescribed, then not nearer than five hundred yards therefrom, and to occupy the said lands so long as may be necessary for the construction or repair of that portion of the railway, or of the accommodation works connected therewith, hereinafter mentioned, and to use the same for any of the following purposes; (that is to say,)

For the purpose of taking earth or soil by side cuttings therefrom;

For the purpose of depositing spoil thereon;

For the purpose of obtaining materials therefrom for the construction or repair of the railway or such accommodation works as aforesaid; or

For the purpose of forming roads thereon to or from or by the side of the railway:

And in exercise of the powers aforesaid it shall be lawful for the company to deposit and also to manufacture and work upon such lands materials of every kind used in constructing the railway, and also to dig and take from out of any such lands any clay, stone, gravel, sand, or other things that may be found therein useful or proper for constructing the railway or any such roads as aforesaid, and for the purposes aforesaid to erect thereon

workshops, sheds, and other buildings of a temporary nature : Provided always, that nothing in this Act contained shall exempt the company from an action for nuisance or injury, other if any done, in the exercise of the powers hereinbefore given, to the lands or habitations of any party other than the party whose lands shall be so taken or used for any of the purposes aforesaid : Provided also, that no stone or slate-quarry, brick-field, or other like place, which at the time of the passing of the special Act shall be commonly worked or used for getting materials therefrom for the purpose of selling or disposing of the same, shall be taken or used by the company, either wholly or in part, for any of the purposes lastly hereinbefore mentioned.

XXXIII. In case any such lands shall be required for spoil-banks or for side-cuttings, or for obtaining materials for the construction or repair of the railway, such temporary possession. the company shall before entering thereon (except in the case of accident to the railway requiring immediate reparation) give three weeks' notice in writing to the owners and occupiers of such lands of their intention to enter upon the same for such purposes ; and in case the said lands are required for any of the other purposes hereinbefore mentioned the company shall (except in the cases aforesaid) give ten days' like notice thereof, and the company shall in such notices respectively state the substance of the provisions hereinafter contained respecting the right of such owner or occupier to require the company to purchase any such lands, or to receive compensation for the temporary occupation thereof, as the case may be.

XXXIV. The said notice shall either be served personally on such owners and occupiers, or left at their last usual place of abode, if any such can, after diligent inquiry, be found, and in case any such owner shall be absent from the United Kingdom, or cannot be found after diligent inquiry, shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

XXXV. In any case in which a notice of three weeks is hereinbefore required to be given it shall be lawful for the owner or occupier of the lands therein referred to, within ten days after the service of such notice, by notice in writing to the company to object to the com-

pany making use of such lands, either on the ground that the lands proposed to be taken for the purposes aforesaid, or some part thereof, or of the materials contained therein, are essential to be retained by such owner, in order to the beneficial enjoyment of other neighbouring lands belonging to him, or on the ground that other lands lying contiguous or near to those proposed to be taken would be more fitting to be used for such purposes by the company; and upon objection being so made such proceedings may be had as hereinafter mentioned.

**Power to two
Justices to
order that the
lands and
materials
shall not be
taken.**

XXXVI. If the objection so made be on the ground that the lands proposed to be taken, or some part thereof, or of the materials contained therein, are essential to be retained by the owner in order to the beneficial enjoyment of other neighbouring lands belonging to him, it shall be lawful for any justice, on the application of such owner, to summon the company to appear before two justices at a time and place to be named in the summons, such time not being later than the expiration of the said twenty-one days' notice; and on the appearance of the company, or, in their absence, upon proof of due service of the summons, it shall be lawful for such justices to inquire into the truth of such ground of objection; and if it appear to such justices that for some special reason, to be stated in the order after mentioned, the lands so proposed to be taken, or any part thereof, or of the materials contained therein, are essential to be retained by the owner of such lands in order to the beneficial enjoyment of other neighbouring lands belonging to him, and ought not therefore to be taken or used by the company, it shall be lawful for such justices, by writing under their hands, to order that the lands so proposed to be taken, or some part thereof, or of the materials contained therein, to be specified in such order, shall not be taken or used by the company, and after service of such order on the company it shall not be lawful for them to take or use, without the previous consent in writing of the owner thereof, any of the lands or materials which by such order they are ordered not to take or use.

**Power to
Justices to
order other
lands to be
taken.**

XXXVII. If the objection so made as aforesaid be on the ground that other lands lying contiguous to those proposed to be taken, and being sufficient in quantity,

and such as the company are hereinbefore authorized to use for the purposes aforesaid, would be more fitting to be used by the company, and if in such case the company shall refuse to occupy such other lands in lieu of those mentioned in the notice, it shall be lawful for any justice, on the application of such owner or occupier, to summon the company and the owners and occupiers of such other lands to appear before two justices at a time and place to be named in such summons, such time not being more than fourteen days after such application nor less than seven days from the service of such summons; and on the appearance of the parties, or, in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such justices to determine summarily which of the said lands shall be used by the company for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

XXXVIII. If in the case last mentioned it shall appear to such justices, upon the inquiry before them, that the lands of any other party not summoned before them, being sufficient in quantity, and such as the company are hereinbefore authorized to take or use for the purposes aforesaid, would be more fitting to be used by the company than the lands of the person who shall have been so summoned as aforesaid, it shall be lawful for the said justices to adjourn such inquiry, and to summon such other person to appear before them at any time, not being more than fourteen days from such inquiry nor less than seven days from the service of such summons; and on the appearance of the parties, or, in the absence of any of them, on proof of due service of the summons, it shall be lawful for such justices to determine finally which lands shall be used for the purposes aforesaid, and to authorize the company to occupy and use the same accordingly.

Power to the
Justices to
summon
other owners
before them.

XXXIX. Before entering, under the provisions hereinbefore contained, upon any such lands as shall be required for spoil-banks or for side-cuttings, or for obtaining materials or forming roads as aforesaid, the company shall, if required by the owner, or occupier thereof, seven days at least before the expiration of the notice to take such lands as hereinbefore mentioned, find two sufficient persons, to be approved of by a justice, in

The company
to give sure-
ties, if
required.

case the parties differ, who shall enter into a bond to such owner or occupier in a penalty of such amount as shall be approved of by such justice, in case the parties differ, conditioned for the payment of such compensation as may become payable in respect of the same in manner herein mentioned.

Company to separate the lands before using them.

XL. Before the company shall use any such lands for any of the purposes aforesaid, they shall, if required so to do by the owner or occupier thereof, separate the same by a sufficient fence from the lands adjoining thereto, with such gates as may be required by the said owner or occupier for the convenient occupation of such lands, and shall also, to all private roads used by them as aforesaid, put up fences and gates in like manner, in all cases where the same may be necessary to prevent the straying of cattle from or upon the lands traversed by such roads, and in case of any difference between the owners or occupiers of such roads and lands and the company as to the necessity for such fences and gates, such fences and gates as any two magistrates shall deem necessary for the purposes aforesaid, on application being made to them in like manner as hereinbefore is provided in respect to the use of such roads.

Lands taken for getting materials, &c. to be worked as the surveyor of owner may direct.

XLI. That if any land shall be taken or used by the company, under the provisions of this or the special Act, for the purpose of getting materials therefrom for the construction or repair of the railway, or the accommodation works connected therewith, they shall work the same in such manner as the surveyor or agent of the owner of such land shall direct, or, in case of disagreement between such surveyor or agent and the company, in such manner as any justice shall direct, on the application of either party, after notice of the hearing the application shall have been given to the other party.

Owners of lands may compel company to purchase lands so temporarily occupied.

XLII. In all cases in which the company shall in exercise of the powers aforesaid enter upon any lands for the purpose of making spoil-banks or side-cuttings thereon, or for obtaining therefrom materials for the construction or repair of the railway, it shall be lawful for the owners or occupiers of such lands, or parties having such estates or interests therein as, under the provisions in the said Lands Clauses Consolidation Act mentioned, would enable them to sell or convey lands to

the company, at any time during the possession of any such lands by the company, and before such owners or occupiers shall have accepted compensation from the company in respect of such temporary occupation, to serve a notice in writing on the company requiring them to purchase the said lands, or the estates and interests therein capable of being sold and conveyed by them respectively; and in such notice such owners or occupiers shall set forth the particulars of such their estate or interest in such lands, and the amount of their claim in respect thereof; and the company shall thereupon be bound to purchase the said lands, or the estate and interest therein capable of being sold and conveyed by the parties serving such notice.

XLIII. In any of the cases aforesaid, where the company shall not be required to purchase such lands, and in all other cases where they shall take temporary possession of lands by virtue of the powers herein or in the special Act granted, it shall be incumbent on the company within one month after their entry upon such lands, upon being required so to do, to pay to the occupier of the said lands the value of any crop or dressing that may be thereon, as well as full compensation for any other damage of a temporary nature which he may sustain by reason of their so taking possession of his lands, and shall also from time to time during their occupation of the said lands pay half-yearly to such occupier or to the owner of the lands, as the case may require, a rent to be fixed by two justices, in case the parties differ, and shall also, within six months after they shall have ceased to occupy the said lands, and not later than six months after the expiration of the time by the special Act limited for the completion of the railway, pay to such owner and occupier, or deposit in the bank for the benefit of all parties interested, as the case may require, compensation for all permanent or other loss, damage, or injury that may have been sustained by them by reason of the exercise, as regards the said lands, of the powers herein or in the special Act granted, including the full value of all clay, stone, gravel, sand, and other things taken from such lands.

XLIV. The amount and application of the purchase-money and other compensation payable by the company

Compensa-
tion to be
ascertained

*under the
Lands Clauses
Act.*

in any of the cases aforesaid shall be determined in the manner provided by the said Lands Clauses Consolidation Act for determining the amount and application of the compensation to be paid for lands taken under the provisions thereof.

*Lands for
additional
stations.*

*Land to be
taken for
additional
stations, &c.*

XLV. And be it enacted, That it shall be lawful for the company, in addition to the lands authorized to be compulsorily taken by them under the powers of this or the special Act, to contract with any party willing to sell the same for the purchase of any land adjoining or near to the railway, not exceeding in the whole the prescribed number of acres for extraordinary purposes; (that is to say,) —

For the purpose of making and providing additional stations, yards, wharfs, and places for the accommodation of passengers, and for receiving, depositing, and loading or unloading goods or cattle to be conveyed upon the railway, and for the erection of weighing machines, toll houses, offices, warehouses, and other buildings and conveniences:

For the purpose of making convenient roads or ways to the railway, or any other purpose which may be requisite or convenient for the formation or use of the railway.

*Crossing of
Roads, and
Construction
of Bridges.*

*Crossing of
roads.*

And with respect to the crossing of roads, or other interference therewith, be it enacted as follows:

XLVI. If the line of the railway cross any turnpike-road or public highway, then (except where otherwise provided by the special Act) either such road shall be carried over the railway, or the railway shall be carried over such road, by means of a bridge, of the height and width and with the ascent or descent by this or the special Act in that behalf provided; and such bridge, with the immediate approaches, and all other necessary works connected therewith, shall be executed and at all times thereafter maintained at the expense of the company: Provided always, that, with the consent of two or more justices in petty sessions, as after mentioned, it shall be lawful for the company to carry the railway across any highway, other than a public carriage-road, on the level.

XLVII. If the railway cross any turnpike-road or public carriage-road on a level, the company shall erect gates across such road, on each side of the railway where the same shall communicate therewith, and shall employ proper persons to open and shut such gates; and such gates shall be kept constantly closed across such road on both sides of the railway, except during the time when horses, cattle, carts, or carriages passing along the same shall have to cross such railway; and such gates shall be of such dimensions and so constructed as when closed to fence in the railway, and prevent cattle or horses passing along the road from entering upon the railway; and the person intrusted with the care of such gates shall cause the same to be closed as soon as such horses, cattle, carts, or carriages shall have passed through the same, under a penalty of forty shillings for every default therein: Provided always, that it shall be lawful for the Board of Trade, in any case in which they are satisfied that it will be more conducive to the public safety that the gates on any level crossing over any such road should be kept closed across the railway, to order that such gates shall be kept so closed, instead of across the road, and in such case such gates shall be kept constantly closed across the railway, except when engines or carriages passing along the railway shall have occasion to cross such road, in the same manner and under the like penalty as above directed with respect to the gates being kept closed across the road.

XLVIII. Where the railway crosses any turnpike-road on a level adjoining to a station, all trains on the railway shall be made to slacken their speed before arriving at such turnpike-road, and shall not cross the same at any greater rate of speed than four miles an hour; and the company shall be subject to all such rules and regulations with regard to such crossings as may from time to time be made by the Board of Trade.

XLIX. Every bridge to be erected for the purpose of carrying the railway over any road shall (except where otherwise provided by the special Act) be built in conformity with the following regulations; (that is to say,) Construction
of bridges
over roads.

The width of the arch shall be such as to leave thereunder a clear space of not less than thirty-five feet

if the arch be over a turnpike-road, and of twenty-five feet if over a public carriage-road, and of twelve feet if over a private road :

The clear height of the arch from the surface of the road shall not be less than sixteen feet for a space of twelve feet if the arch be over a turnpike-road, and fifteen feet for a space of ten feet if over a public carriage-road ; and in each of such cases the clear height at the springing of the arch shall not be less than twelve feet :

The clear height of the arch for a space of nine feet shall not be less than fourteen feet over a private carriage-road :

The descent made in the road in order to carry the same under the bridge shall not be more than one foot in thirty feet if the bridge be over a turnpike-road, one foot in twenty feet if over a public carriage-road, and one foot in sixteen feet if over a private carriage-road, not being a tramroad or railroad, or if the same be a tramroad or railroad the descent shall not be greater than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

**Construction
of bridges
over railway.**

L. Every bridge erected for carrying any road over the railway shall (except as otherwise provided by the special Act) be built in conformity with the following regulations ; (that is to say,) —

There shall be a good and sufficient fence on each side of the bridge of not less height than four feet, and on each side of the immediate approaches of such bridge of not less than three feet :

The road over the bridge shall have a clear space between the fences thereof of thirty-five feet if the road be a turnpike-road, and twenty-five feet if a public carriage-road, and twelve feet if a private road :

The ascent shall not be more than one foot in thirty feet if the road be a turnpike-road, one foot in twenty feet if a public carriage-road, and one foot in sixteen feet if a private carriage-road, not being a tramroad or railroad, or if the same be a tramroad or railroad the ascent shall not be greater

than the prescribed rate of inclination, and if no rate be prescribed the same shall not be greater than as it existed at the passing of the special Act.

LI. Provided always, That in all cases where the average available width for the passage of carriages of any existing roads within fifty yards of the points of crossing the same is less than the width hereinbefore prescribed for bridges over or under the railway, the width of such bridges need not be greater than such average available width of such roads, but so nevertheless that such bridges be not of less width, in the case of a turnpike-road or public carriage-road, than twenty feet: Provided also, that if at any time after the construction of the railway the average available width of any such road shall be increased beyond the width of such bridge on either side thereof, the company shall be bound, at their own expense, to increase the width of the said bridge to such extent as they may be required by the trustees or surveyors of such road, not exceeding the width of such road as so widened, or the maximum width herein or in the special Act prescribed for a bridge in the like case over or under the railway.

LII. Provided also, That if the mesne inclination of any road within two hundred and fifty yards of the point of crossing the same, or the inclination of such portion of any road as may require to be altered, or for which another road shall be substituted, shall be steeper than the inclination hereinbefore required to be preserved by the company, then the company may carry any such road over or under the railway, or may construct such altered or substituted road at an inclination not steeper than the said mesne inclination of the road so to be crossed, or of the road so requiring to be altered, or for which another road shall be substituted.

LIII. If, in the exercise of the powers by this or the special Act granted, it be found necessary to cross, cut through, raise, sink, or use any part of any road, whether carriage-road, horse-road, tramroad, or railway, either public or private, so as to render it impassable for or dangerous or extraordinarily inconvenient to passengers or carriages, or to the persons entitled to the use thereof, the company shall, before the commencement of any such operations, cause a sufficient road to be made in-

stead of the road to be interfered with, and shall at their own expense maintain such substituted road in a state as convenient for passengers and carriages as the road so interfered with, or as nearly so as may be.

**Penalty for
not substitut-
ing a road.**

LIV. If the company do not cause another sufficient road to be so made before they interfere with any such existing road as aforesaid, they shall forfeit twenty pounds for every day during which such substituted road shall not be made after the existing road shall have been interrupted; and such penalty shall be paid to the trustees, commissioners, surveyor, or other person having the management of such road, if a public road, and shall be applied for the purposes thereof, or in case of a private road the same shall be paid to the owner thereof, and every such penalty shall be recoverable with costs by action in any of the superior courts.

**Party suffer-
ing damage
from inter-
ruption of
road to re-
cover in an
action on the
case.**

LV. If any party entitled to a right of way over any road so interfered with by the company shall suffer any special damage by reason that the company shall fail to cause another sufficient road to be made before they interfere with the existing road, it shall be lawful for such party to recover the amount of such special damage from the company, with costs, by action on the case in any of the superior courts, and that whether any party shall have sued for such penalty as aforesaid or not, and without prejudice to the right of any party to sue for the same.

**Period for
restoration of
roads inter-
fered with.**

LVI. If the road so interfered with can be restored compatibly with the formation and use of the railway, the same shall be restored to as good a condition as the same was in at the time when the same was first interfered with by the company, or as near thereto as may be; and if such road cannot be restored compatibly with the formation and use of the railway, the company shall cause the new or substituted road, or some other sufficient substituted road, to be put into a permanently substantial condition, equally convenient as the former road, or as near thereto as circumstances will allow: and the former road shall be restored, or the substituted road put into such condition as aforesaid, as the case may be, within the following periods after the first operation on the former road shall have been commenced, unless the trustees or parties having the management of the road to be restored

by writing under their hands consent to an extension of the period, and in such case within such extended period; (that is to say), if the road be a turnpike-road, within six months, and if the road be not a turnpike-road within twelve months.

LVII. If any such road be not so restored, or the substituted road so completed as aforesaid, within the periods herein or in the special Act fixed for that purpose, the company shall forfeit to the trustees, commissioners, surveyor or other person having the management of the road interfered with by the company, if a public road, or if a private road to the owner thereof, five pounds for every day after the expiration of such periods respectively during which such road shall not be so restored or the substituted road completed; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

LVIII. If in the course of making the railway the company shall use or interfere with any road they shall from time to time make good all damage done by them to such road; and if any question shall arise as to the damage done to any such road by the company, or as to the repair thereof by them, such question shall be referred to the determination of two justices: and such justices may direct such repairs to be made in the state of such road, in respect of the damage done by the company, and within such period as they think reasonable, and may impose on the company, for not carrying into effect such repairs, any penalty not exceeding five pounds *per day* as to such justices shall seem just; and such penalty shall be paid to the surveyor or other person having the management of the road interfered with by the company, if a public road, and be applied for the purposes of such road, or if a private road, the same shall be paid to the owner thereof: Provided always, that in determining any such question with regard to a turnpike-road the said justices shall have regard to and shall make full allowance for any tolls that may have been paid by the company on such road in the course of the using thereof.

LIX. When the company shall intend to apply for the consent of two justices, as hereinbefore provided, so as to

Proceedings
on application
to Justices to

consent to
level crossings
of bridleways
and footways.

authorize them to carry the railway across any highway other than a public carriage-road on the level, they shall, fourteen days at least previous to the holding of the petty sessions at which such application is intended to be made, cause notice of such intended application to be given in some newspaper circulating in the county, and also to be affixed upon the door of the parish church of the parish in which such crossing is intended to be made, or if there be no such church, some other place to which notices are usually affixed; and if it appear to any two or more justices acting for the district in which such highway at the proposed crossing thereof is situate, and assembled in petty sessions, after such notice as aforesaid, that the railway can, consistently with a due regard to the public safety and convenience, be carried across such highway on the level, it shall be lawful for such justices to consent that the same may be so carried accordingly.

Appeal
against the
determination
of the
Justices.

LX. If either party shall feel aggrieved by the determination of such justices upon any such application as aforesaid, it shall be lawful for such party, in like manner and subject to the like conditions as are hereinafter provided in the case of appeals in respect of penalties and forfeitures, to appeal to the quarter sessions of the county or place in which the cause of appeal shall have arisen; and it shall be lawful for the justices in such quarter sessions, upon the hearing of such appeal, either to confirm or quash the determination, or to make such other order in regard to the method of carrying the railway across such highway as aforesaid, as to them shall seem fit, and to make such order concerning the costs both of the original application and of the appeal as to them shall seem reasonable.

Company to
make suffi-
cient ap-
proaches and
fences to
bridleways
and footways
crossing on
the level.

LXI. If the railway shall cross any highway other than a public carriage-way on the level, the company shall at their own expense make and at all times maintain convenient ascents and descents and other convenient approaches, with handrails or other fences, and shall, if such highway be a bridleway, erect, and at all times maintain good and sufficient gates, and if the same shall be a footway, good and sufficient gates or stiles, on each side of the railway where the highway shall communicate therewith.



LXII. If, where the railway shall cross any highway on the level, the company fail to make convenient ascents and descents or other convenient approaches, and such handrails, fences, gates, and stiles, as they are hereinbefore required to make, it shall be lawful for two justices, on the application of the surveyor of roads, or of any two householders within the parish or district where such crossing shall be situate, after not less than ten days' notice to the company, to order the company to make such ascent and descent or other approach, or such handrails, fences, gates, or stiles as aforesaid, within a period to be limited for that purpose by such justices; and if the company fail to comply with such order they shall forfeit five pounds for every day that they fail so to do; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be applied, in such manner and by such person as they think fit, in executing the work in respect whereof such penalty was incurred.

LXIII. If the commissioners or trustees of any turnpike-road, or the surveyor of any highway, apprehend danger to the passengers on such road in consequence of horses being frightened by the sight of the engines or carriages travelling upon the railway, it shall be lawful for such commissioners, or trustees, or surveyor, after giving fourteen days' notice to the company, to apply to the Board of Trade with respect thereto; and if it shall appear to the said Board that such danger might be obviated or lessened by the construction of any works in the nature of a screen near to or adjoining the side of such road, it shall be lawful for them, if they shall think fit, to certify the works necessary or proper to be executed by the company for the purpose of obviating or lessening such danger, and by such certificate to require the company to execute such works within a certain time after the service of such certificate, to be appointed by the said board.

LXIV. Where by any such certificate as aforesaid the company shall have been required to execute any such work in the nature of a screen, they shall execute and complete the same within the period appointed for that purpose in such certificate; and if they fail so to do they shall forfeit to the said commissioners, or trustees, or surveyor, five pounds for every day during which such

Justices to have power to order approaches and fences to be made to highways crossing on the level.

Screens for Turnpike Roads.

—
Screen for roads to be made, if required by the Board of Trade.

Penalty for failing to construct.

works shall remain uncompleted beyond the period so appointed for their completion; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be laid out in executing the work in respect whereof such penalty was incurred.

*Construction
of Bridges.*

Justices to have power to order repair of bridges, &c.

LXV. Where, under the provisions of this or the special Act, or any Act, incorporated therewith, the company are required to maintain or keep in repair any bridge, fence, approach, gate, or other work executed by it shall be lawful for two justices, on the application of the surveyor of roads, or of any two householders of the parish or district where such work may be situate, complaining that any such work is out of repair, after not less than ten days' notice to the company, to order the company to put such work into complete repair within a period to be limited for that purpose by such justices; and if the company fail to comply with such order they shall forfeit five pounds for every day that they fail so to do; and it shall be lawful for the justices by whom any such penalty is imposed to order the whole or any part thereof to be applied in such manner and by such persons as they think fit, in putting such work into repair.

Board of Trade empowered to modify the construction of certain roads, bridges, &c. where a strict compliance with the Act is impossible or inconvenient.

LXVI. And whereas expense might frequently be avoided, and public convenience promoted, by a reference to the Board of Trade upon the construction of public works of an engineering nature connected with the railway, where a strict compliance with the provisions of this or the special Act might be impossible, or attended with inconvenience to the company, and without adequate advantage to the public; be it enacted, That in case any difference in regard to the construction, alteration, or restoration of any road or bridge, or other public work of an engineering nature, required by the provisions of this or the special Act, shall arise between the company and any trustees, commissioners, surveyors, or other persons having the control of or being authorized by law to enforce the construction of such road, bridge, or work, it shall be lawful for either party, after giving fourteen days' notice in writing of their intention so to do to the other party, to apply to the Board of Trade to decide upon the proper manner of constructing, altering, or restoring such road, bridge, or other work; and it shall be lawful for the Board of Trade, if they shall think fit,

to decide the same accordingly, and to authorize, by certificate in writing, any arrangement or mode of construction in regard to any such road, bridge, or other work which shall appear to them either to be in substantial compliance with the provisions of this and the special Act, or to be calculated to afford equal or greater accommodation to the public using such road, bridge, or other work ; and after any such certificate shall have been given by the Board of Trade, the road, bridge, or other work therein mentioned shall be constructed by the company in conformity with the terms of such certificate, and being so constructed shall be deemed to be constructed in conformity with the provisions of this and the special Act : Provided always, that no such certificate shall be granted by the Board of Trade unless they shall be satisfied that existing private rights or interests will not be injuriously affected thereby.

LXVII. And be it enacted, That all regulations, certificates, notices, and other documents in writing purporting to be made or issued by or by the authority of the Board of Trade, and signed by some officer appointed for that purpose by the Board of Trade, shall, for the purposes of this and the special Act, and any Act incorporated therewith, be deemed to have been so made and issued, and that without proof of the authority of the person signing the same, or of the signature thereto, which matters shall be presumed until the contrary be proved ; and service of any such document, by leaving the same at one of the principal offices of the railway company, or by sending the same by post addressed to the secretary at such office, shall be deemed good service upon the company ; and all notices and other documents required by this or the special Act to be given to or laid before the Board of Trade shall be delivered at, or sent by post addressed to the office of the Board of Trade in *London*.

Authentication
of certi-
ficates of the
Board of
Trade, service
of notices,
&c.

And with respect to works for the accommodation of lands adjoining the railway, be it enacted as follows :

LXVIII. The company shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway ; (that is to say,) —

Such and so many convenient gates, bridges, arches,

*Works for
Protection
and Accom-
modation of
Lands.*

Gates,
bridges, &c.:

culverts, and passages over, under, or by the sides of or leading to or from the railway as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway shall be made; and such works shall be made forthwith after the part of the railway passing over such lands shall have been laid out or formed, or during the formation thereof:

Fences:

Also sufficient posts, rails, hedges, ditches, mounds, or other fences for separating the land taken for the use of the railway from the adjoining lands not taken, and protecting such lands from trespass, or the cattle of the owners or occupiers thereof from straying thereout, by reason of the railway, together with all necessary gates made to open towards such adjoining lands, and not towards the railway and all necessary stiles; and such posts, rails, and other fences shall be made forthwith after the taking of any such lands, if the owners thereof shall so require, and the said other works as soon as conveniently may be:

Drains:

Also all necessary arches, tunnels, culverts, drains, or other passages, either over or under or by the sides of the railway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be; and such works shall be made from time to time as the railway works proceed:

Watering
places.

Also proper watering places for cattle where by reason of the railway the cattle of any person occupying any lands lying near thereto shall be deprived of access to their former watering places; and such watering places shall be so made as to be at all times as sufficiently supplied with water as theretofore, and as if the railway had not been made, or as nearly so as may be; and the company shall make all necessary water-courses and drains for the purpose of conveying water to the said watering places:

Provided always, that the company shall not be required to make such accommodation works in such a manner as would prevent or obstruct the working or using of the railway, nor to make any accommodation works with

respect to which the owners and occupiers of the lands shall have agreed to receive and shall have been paid compensation instead of the making them.

LXIX. If any difference arise respecting the kind or number of any such accommodation works, or the dimensions or sufficiency thereof, or respecting the maintaining thereof, the same shall be determined by two justices; and such justices shall also appoint the time within which such works shall be commenced and executed by the company.

Differences
as to accom-
modation
works to be
settled by
Justices.

LXX. If for fourteen days next after the time appointed by such justices for the commencement of any such works the company shall fail to commence such works, or having commenced shall fail to proceed diligently to execute the same in a sufficient manner, it shall be lawful for the party aggrieved by such failure himself to execute such works or repairs; and the reasonable expenses thereof shall be repaid by the company to the party by whom the same shall so have been executed; and if there be any dispute about such expenses the same shall be settled by two justices: Provided always, that no such owner or occupier or other person shall obstruct or injure the railway, or any of the works connected therewith, for a longer time nor use them in any other manner than is unavoidably necessary for the execution or repair of such accommodation works.

Execution of
works by
owners on
default by
the company.

LXXI. If any of the owners or occupiers of lands affected by such railway shall consider the accommodation works made by the company, or directed by such justices to be made by the company, insufficient for the commodious use of their respective lands, it shall be lawful for any such owner or occupier, at any time, at his own expense, to make such further works for that purpose as he shall think necessary, and as shall be agreed to by the company, or, in case of difference, as shall be authorized by two justices.

Power to
owners of
land to make
additional
accommoda-
tion works.

LXXII. If the company so desire, all such last-mentioned accommodation works shall be constructed under the superintendence of their engineer, and according to plans and specifications to be submitted to and approved by such engineer: nevertheless the company shall not be entitled to require, either that plans should be adopted which would involve a greater expense than that

Such works
to be con-
structed
under the
superin-
tendence of
the com-
pany's en-
gineer.

incurred in the execution of similar works by the company, or that the plans selected should be executed in a more expensive manner than that adopted in similar cases by the company.

**Accommodation works
not to be required after
five years.**

LXXIII. The company shall not be compelled to make any further or additional accommodation works for the use of owners and occupiers of land adjoining the railway after the expiration of the prescribed period, or, if no period be prescribed, after five years from the completion of the works, and the opening of the railway for public use.

Owners to be allowed to cross until accommodation works are made.

LXXIV. Until the company shall have made the bridges or other proper communications which they shall under the provisions herein, or in the special Act, or any act incorporated therewith, contained, have been required to make between lands intersected by the railway, and no longer, the owners and occupiers of such lands, and any other persons whose right of way shall be affected by the want of such communication, and their respective servants, may at all times freely pass and repass, with carriages, horses and other animals, directly (but not otherwise), across the part of the railway made in or through their respective lands, solely for the purpose of occupying the same lands, or for the exercise of such right of way, and so as not to obstruct the passage along the railway, or to damage the same; nevertheless, if the owner or occupier of any such lands have in his arrangements with the company received or agreed to receive compensation for or on account of any such communications, instead of the same being formed, such owner or occupier, or those claiming under him, shall not be entitled so to cross the railway.

Penalty on persons omitting to fasten gates.

LXXV. If any person omit to shut and fasten any gate set up at either side of the railway, for the accommodation of the owners or occupiers of the adjoining lands, as soon as he, and the carriage, cattle or other animals, under his care, have passed through the same, he shall forfeit for every such offence any sum not exceeding forty shillings.

Branch Railways.

LXXVI. And be it enacted, That this or the special Act shall not prevent the owners or occupiers of lands adjoining to the railway, or any other persons, from

laying down, either upon their own lands or upon the lands of other persons, with the consent of such persons, any collateral branches of railway to communicate with the railway, for the purpose of bringing carriages to or from or upon the railway, but under and subject to the provisions and restrictions of an Act passed in the sixth year of the reign of her present Majesty, intituled "An Act for the better Regulation of Railways, and for the Conveyance of Troops," and the company shall, if required, at the expense of such owners and occupiers and other persons, and subject also to the provisions of the said last-mentioned act, make openings in the rails, and such additional lines of rail as may be necessary for effecting such communication, in places where the communication can be made with safety to the public, and without injury to the railway, and without inconvenience to the traffic thereon; and the company shall not take any rate or toll or other moneys for the passing of any passengers, goods, or other things along any branch so to be made by any such owner or occupier or other person; but this enactment shall be subject to the following restrictions and conditions; (that is to say,) Power to
make private
branch rail-
ways com-
municating
with the
railway.
5 & 6 Vict.
c. 55.

No such branch railway shall run parallel to the railway: Restrictions
and condi-
tions.

The company shall not be bound to make any such openings in any place which they shall have set apart for any specific purpose with which such communication would interfere, nor upon any inclined plane or bridge, nor in any tunnel:

The persons making or using such branch railways shall be subject to all by-laws and regulations of the company from time to time made with respect to passing upon or crossing the railway, and otherwise; and the persons making or using such branch railways shall be bound to construct, and from time to time, as need may require, to renew, the offset plates and switches according to the most approved plan adopted by the company, and under the direction of their engineer.

And with respect to mines lying under or near the railway, be it enacted as follows: *Working of
Mines.*

LXXVII. The company shall not be entitled to any mines of coal, ironstone, slate, or other minerals under Company not
to be entitled
to minerals.

any land purchased by them, except only such parts thereof as shall be necessary to be dug or carried away or used in the construction of the works, unless the same shall have been expressly purchased; and all such mines, excepting as aforesaid, shall be deemed to be excepted out of the conveyance of such lands, unless they shall have been expressly named therein and conveyed thereby.

Mines lying near the railway not to be worked if the company willing to purchase them.

LXXVIII. If the owner, lessee, or occupier of any mines or minerals lying under the railway, or any of the works connected therewith, or within the prescribed distance, or, where no distance shall be prescribed, forty yards therefrom, be desirous of working the same, such owner, lessee, or occupier shall give to the company notice in writing of his intention so to do thirty days before the commencement of working; and upon the receipt of such notice it shall be lawful for the company to cause such mines to be inspected by any person appointed by them for the purpose; and if it appear to the company that the working of such mines or minerals is likely to damage the works of the railway, and if the company be willing to make compensation for such mines or any part thereof to such owner, lessee, or occupier thereof, then he shall not work or get the same; and if the company, and such owner, lessee, or occupier, do not agree as to the amount of such compensation, the same shall be settled as in other cases of disputed compensation.

If company unwilling to purchase, owner may work the mines.

LXXIX. If before the expiration of such thirty days the company do not state their willingness to treat with such owner, lessee, or occupier for the payment of such compensation, it shall be lawful for him to work the said mines or any part thereof for which the company shall not have agreed to pay compensation, so that the same be done in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the district where the same shall be situate; and if any damage or obstruction be occasioned to the railway or works by improper working of such mines, the same shall be forthwith repaired or removed, as the case may require, and such damage made good, by the owner, lessee, or occupier of such mines or minerals, and at his own expense; and if such repair or

removal be not forthwith done, or, if the company shall so think fit, without waiting for the same to be done by such owner, lessee, or occupier, it shall be lawful for the company to execute the same, and recover from such owner, lessee, or occupier the expense occasioned thereby, by action in any of the superior courts.

LXXX. If the working of any such mines under the ^{Mining com-}
railway or works, or within the above-mentioned distance
therefrom, be prevented as aforesaid by reason of apprehended injury to the railway, it shall be lawful for the respective owners, lessees, and occupiers of such mines, and whose mines shall extend so as to lie on both sides of the railway, to cut and make such and so many airways, headways, gateways, or water-levels through the mines, measures, or strata, the working whereof shall be so prevented, as may be requisite to enable them to ventilate, drain, and work their said mines, but no such airway, headway, gateway, or water-level shall be of greater dimensions or section than the prescribed dimensions and sections, and where no dimensions shall be described not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the railway or works, or so as to injure the same, or to impede the passage thereon.

LXXXI. The company shall from time to time pay ^{Company to}
to the owner, lessee, or occupier of any such mines ex-
tending so as to lie on both sides of the railway all such ^{make com-}
additional expenses and losses as shall be incurred by such ^{pen-sation for}
owner, lessee, or occupier, by reason of the severance of ^{injury done}
the lands lying over such mines by the railway, or of the ^{to mines ;}
continuous working of such mines being interrupted as
aforesaid, or by reason of the same being worked in such
manner and under such restrictions as not to prejudice
or injure the railway, and for any minerals not purchased
by the company which cannot be obtained by reason of
making and maintaining the railway; and if any dispute
or question shall arise between the company and such
owner, lessee, or occupier as aforesaid, touching the
amount of such losses or expenses, the same shall be
settled by arbitration.

LXXXII. If any loss or damage be sustained by the ^{and also for}
owner or occupier of the lands lying over any such ^{any airway}
mines the working whereof shall have been so prevented ^{or other}
^{work made}

necessary by
the railway.

as aforesaid (and not being the owner, lessee, or occupier of such mines), by reason of the making of any such air-way or other work as aforesaid, which or any like work would not have been necessary to be made but for the working of such mines having been so prevented as aforesaid, the company shall make full compensation to such owner or occupier of the surface-lands for the loss or damage so sustained by him.

Power to
company to
enter and
inspect the
working of
mines.

LXXXIII. For better ascertaining whether any such mines are being worked or have been worked so as to damage the railway or works, it shall be lawful for the company, after giving twenty-four hours' notice in writing, to enter upon any lands through or near which the railway passes wherein any such mines are being worked, or are supposed so to be, and to enter into and return from any such mines or the works connected therewith; and for that purpose it shall be lawful for them to make use of any apparatus or machinery belonging to the owner, lessee, or occupier of such mines, and to use all necessary means for discovering the distance from the railway to the parts of such mines which are being worked or about so to be.

Penalty for
refusal to
inspect.

LXXXIV. If any such owner, lessee, or occupier of any such mine shall refuse to allow any person appointed by the company for that purpose to enter into and inspect any such mines or works in manner aforesaid, every person so offending shall for every such refusal forfeit to the company a sum not exceeding twenty pounds.

If mines
improperly
worked, the
company
may require
means to be
adopted for
the safety of
the railway.

LXXXV. If it appear that any such mines have been worked contrary to the provisions of this or the special Act, the company may, if they think fit, give notice to the owner, lessee, or occupier thereof to construct such works, and to adopt such means as may be necessary or proper for making safe the railway, and preventing injury thereto; and if after such notice any such owner, lessee, or occupier do not forthwith proceed to construct the works necessary for making safe the railway, the company may themselves construct such works, and recover the expense thereof from such owner, lessee, or occupier by action in any of the superior courts.

And with respect to the carrying of passengers and goods upon the railway, and the tolls to be taken thereon, be it enacted as follows :

*Passengers
and Goods
on Railway.*

LXXXVI. It shall be lawful for the company to use and employ locomotive engines or other moving power, and carriages and waggons to be drawn or propelled thereby, and to carry and convey upon the railway all such passengers and goods as shall be offered to them for that purpose, and to make such reasonable charges in respect thereof as they may from time to time determine upon, not exceeding the tolls by the special Act authorized to be taken by them.

*Company to
employ loco-
motive
power, car-
riages, &c.*

LXXXVII. It shall be lawful for the company from time to time to enter into any contract with any other company, being the owners or lessees or in possession of any other railway, for the passage over or along the railway by the special Act authorized to be made of any engines, coaches, waggons, or other carriages of any other company, or which shall pass over any other line of railway, or for the passage over any other line of railway of any engines, coaches, waggons, or other carriages of the company, or which shall pass over their line of railway, upon the payment of such tolls and under such conditions and restrictions as may be mutually agreed upon ; and for the purpose aforesaid it shall be lawful for the respective parties to enter into any contract for the division or apportionment of the tolls to be taken upon their respective railways.

LXXXVIII. Provided always, That no such contract as aforesaid shall in any manner alter, affect, increase, or diminish any of the tolls which the respective companies, parties to such contracts, shall for the time being be respectively authorized and entitled to demand or receive from any person or any other company, but that all other persons and companies shall, notwithstanding any such contract, be entitled to the use and benefit of any of the said railways, upon the same terms and conditions, and on payment of the same tolls, as they would have been in case no such contract had been entered into.

*Contracts
not to affect
persons not
parties
thereto.*

LXXXIX. Nothing in this or the special Act contained shall extend to charge or make liable the company

*Company not
to be liable*

to a greater extent than common carriers.

further or in any other case than where, according to the laws of the realm, stage-coach proprietors and common carriers would be liable, nor shall extend in any degree to deprive the company of any protection or privilege which common carriers or stage-coach proprietors may be entitled to ; but, on the contrary, the company shall at all times be entitled to the benefit of every such protection and privilege.

Power to vary tolls.

XC. And whereas it is expedient that the company should be enabled to vary the tolls upon the railway so as to accommodate them to the circumstances of the traffic, but that such power of varying should not be used for the purpose of prejudicing or favouring particular parties, or for the purpose of collusively and unfairly creating a monopoly, either in the hands of the company or of particular parties ; it shall be lawful, therefore, for the company, subject to the provisions and limitations herein and in the special Act contained, from time to time to alter or vary the tolls by the special Act authorized to be taken, either upon the whole or upon any particular portions of the railway, as they shall think fit ; provided that all such tolls be at all times charged equally to all persons, and after the same rate, whether *per ton per mile* or otherwise, in respect of all passengers, and of all goods or carriages of the same description, and conveyed or propelled by a like carriage or engine, passing only over the same portion of the line of railway under the same circumstances ; and no reduction or advance in any such tolls shall be made either directly or indirectly in favour of or against any particular company or person travelling upon or using the railway.

Tolls to be charged equally under like circumstances.

How tolls to be calculated where railways amalgamated.

XCI. And whereas authority has been given by various Acts of Parliament to railway companies to demand tolls for the conveyance of passengers and goods, and for other services over the fraction of a mile equal to the toll which they are authorized to demand for one mile ; therefore, in cases in which any railway shall be amalgamated with any other adjoining railway or railways, such tolls shall be calculated and imposed at such rates as if such amalgamated railways had originally formed one line of railway.



XCII. It shall not be lawful for the company at any time to demand or take a greater amount of toll, or make any greater charge for the carriage of passengers or goods, than they are by this and the special Act authorized to demand; and upon payment of the tolls from time to time demandable all companies and persons shall be entitled to use the railway, with engines and carriages properly constructed as by this and the special Act directed, subject nevertheless to the provisions and restrictions of the said Act of the sixth year of her present Majesty, intituled "An Act for the better Regulation of Railways, and for the Conveyance of Troops," and to the regulations to be from time to time made by the company by virtue of the powers in that behalf hereby and by the special Act conferred upon them.

5 & 6 Vict.
c. 55.

XCIII. A list of all the tolls authorized by the special Act to be taken, and which shall be exacted by the company, shall be published by the same being painted upon one toll-board or more in distinct black letters on a white ground, or white letters on a black ground, or by the same being printed in legible characters on paper affixed to such board, and by such board being exhibited in some conspicuous place on the stations or places where such tolls shall be made payable.

List of tolls
to be exhib-
ited on a
board.

XCIV. The company shall cause the length of the railway to be measured, and mile-stones, posts, or other conspicuous objects to be set up and maintained along the whole line thereof, at the distance of one quarter of a mile from each other, with numbers or marks inscribed thereon denoting such distances.

XCV. No tolls shall be demanded or taken by the company for the use of the railway during any time at which the boards hereinbefore directed to be exhibited shall not be so exhibited, or at which the mile-stones hereinbefore directed to be set up and maintained shall not be so set up and maintained; and if any person wilfully pull down, deface, or destroy any such board or mile-stone, he shall forfeit a sum not exceeding five pounds for every such offence.

Tolls to be
taken only
whilst board
exhibited and
mile-stones
set up.

XCVI. The tolls shall be paid to such persons, and at such places upon or near to the railway, and in such manner and under such regulations, as the company shall, by notice to be annexed to the list of tolls, appoint.

Tolls to be
paid as di-
rected by the
company.

In default of payment of tolls, goods &c. may be detained and sold.

XCVII. If, on demand, any person fail to pay the tolls due in respect of any carriage or goods, it shall be lawful for the company to detain and sell such carriage, or all or any part of such goods, or, if the same shall have been removed from the premises of the company, to detain and sell any other carriages or goods within such premises belonging to the party liable to pay such tolls, and out of the moneys arising from such sale to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus, if any, of the moneys arising by such sale, and such of the carriages or goods as shall remain unsold, to the person entitled thereto, or it shall be lawful for the company to recover any such tolls by action at law.

Account of lading, &c. to be given.

XCVIII. Every person being the owner or having the care of any carriage or goods passing or being upon the railway shall, on demand, give to the collector of tolls, at the places where he attends for the purpose of receiving goods or of collecting tolls for the part of the railway on which such carriage or goods may have travelled or be about to travel, an exact account in writing signed by him of the number or quantity of goods conveyed by any such carriage, and of the point on the railway from which such carriage or goods have set out or are about to set out, and at what point the same are intended to be unloaded or taken off the railway; and if the goods conveyed by any such carriage, or brought for conveyance as aforesaid, be liable to the payment of different tolls, then such owner or other person shall specify the respective numbers or quantities thereof liable to each or any of such tolls.

Penalty for not giving account of lading.

XCIX. If any such owner or other such person fail to give such account, or to produce his way-bill or bill of lading, to such collector or other officer or servant of the company demanding the same, or if he give a false account, or if he unload or take off any part of his lading or goods at any other place than shall be mentioned in such account, with intent to avoid the payment of any tolls payable in respect thereof, he shall for every such offence forfeit to the company a sum not exceeding ten pounds for every ton of goods, or for any parcel not exceeding one hundredweight, and so in proportion for any less quantity of goods than one ton, or for any parcel ex-

ceeding one hundredweight (as the case may be,) which shall be upon any such carriage; and such penalty shall be in addition to the toll to which such goods may be liable.

C. If any dispute arise concerning the amount of the tolls due to the company, or concerning the charges occasioned by any detention or sale thereof under the provisions herein or in the special Act contained, the same shall be settled by a justice; and it shall be lawful for the company in the mean while to detain the goods, or (if the case so require) the proceeds of the sale thereof.

CL If any difference arise between any toll collector or other officer or servant of the company and any owner of or person having the charge of any carriage passing or being upon the railway, or of any goods conveyed or to be conveyed by such carriage, respecting the weight, quantity, quality, or nature of such goods, such collector or other officer may lawfully detain such carriage or goods, and examine, weigh, gauge, or otherwise measure the same; and if upon such measuring or examination such goods appear to be of greater weight or quantity or of other nature than shall have been stated in the account given thereof, then the person who shall have given such account shall pay, and the owner of such carriage, or the respective owners of such goods, shall also, at the option of the company, be liable to pay, the costs of such measuring and examining; but if such goods appear to be of the same or less weight or quantity than and of the same nature as shall have been stated in such account, then the company shall pay such costs, and they shall also pay to such owner of or person having charge of such carriage, and to the respective owners of such goods, such damage (if any) as shall appear to any justice, on a summary application to him for that purpose, to have arisen from such detention.

CII. If at any time it be made to appear to any justice, upon the complaint of the company, that any such detention, measuring, or examining of any carriage or goods, as hereinbefore mentioned, was without reasonable ground, or that it was vexatious on the part of such collector or other officer, then the collector or other officer shall himself pay the costs of such detention and measuring, and the damage occasioned thereby; and in default of immediate payment of any such costs or

Disputes as
to amount
of tolls
chargeable.

Differences
as to
weights, &c.

Toll collector
to be liable
for wrongful
detention of
goods.

damage the same may be recovered by distress of the goods of such collector, and such justice shall issue his warrant accordingly.

Penalty on passengers practising frauds on the company.

CIII. If any person travel or attempt to travel in any carriage of the company, or of any other company or party using the railway, without having previously paid his fare, and with intent to avoid payment thereof, or if any person, having paid his fare for a certain distance, knowingly and wilfully proceed in any such carriage beyond such distance, without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence forfeit to the company a sum not exceeding forty shillings.

Detention of offenders.

CIV. If any person be discovered, either in or after committing or attempting to commit any such offence as in the preceding enactment mentioned, all officers and servants and other persons on behalf of the company, or such other company or party as aforesaid, and all constables, gaolers, and peace officers, may lawfully apprehend and detain such person until he can conveniently be taken before some justice, or until he be otherwise discharged by due course of law.

Penalty for bringing dangerous goods on the railway.

CV. No person shall be entitled to carry, or to require the company to carry, upon the railway, any aquafortis, oil of vitriol, gunpowder, lucifer matches, or any other goods which in the judgment of the company may be of a dangerous nature; and if any person send by the railway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the company with whom the same are left, at the time of so sending, he shall forfeit to the company twenty pounds for every such offence; and it shall be lawful for the company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Delivery of matters in

CVI. If any collector of tolls or other officer employed by the company be discharged or suspended from his

office, or die, abscond, or absent himself, and if such collector or other officer, or the wife, widow, or any of the family or representatives of any such collector or other officer, refuse or neglect, after seven days' notice in writing for that purpose, to deliver up to the company, or to any person appointed by them for that purpose, any station, dwelling-house, office, or other building, with its appurtenances, or any books, papers, or other matters belonging to the company in the possession or custody of any such collector or officer at the occurrence of any such event as aforesaid, then, upon application being made by the company to any justice, it shall be lawful for such justice to order any constable, with proper assistance, to enter upon such station or other building, and to remove any person found therein, and to take possession thereof, and of any such books, papers, or other matters, and to deliver the same to the company, or any person appointed by them for that purpose.

CVII. And be it enacted, That the company shall every year cause an annual account in abstract to be prepared, showing the total receipts and expenditure of all funds levied by virtue of this or the special Act for the year ending on the thirty-first day of *December*, or some other convenient day in each year, under the several distinct heads of receipt and expenditure, with a statement of the balance of such account, duly audited and certified by the directors, or some of them, and by the auditors, and shall, if required, transmit a copy of the said account, free of charge, to the overseers of the poor of the several parishes through which the railway shall pass, and also to the clerks of the peace of the counties through which the railway shall pass, on or before the thirty-first day of *January* then next; which last-mentioned account shall be open to the inspection of the public at all seasonable hours, on payment of the sum of one shilling for every such inspection: Provided always, that if the said company shall omit to prepare or transmit such account as aforesaid, if required so to do by any such clerk of the peace, or overseers of the poor, they shall forfeit for every such omission the sum of twenty pounds.

And with respect to the regulating of the use of the railway, be it enacted as follows:

CVIII. It shall be lawful for the company, from time

possession or
custody of
toll-collector
at removal.

By-Laws.
Company to
regulate the
use of the
railway.

to time, subject to the provisions and restrictions in this and the special Act contained, to make regulations for the following purposes; (that is to say,)

- For regulating the mode by which and the speed at which carriages using the railway are to be moved or propelled;
- For regulating the times of the arrival and departure of any such carriages;
- For regulating the loading or unloading of such carriages, and the weights which they are respectively to carry;
- For regulating the receipt and delivery of goods and other things which are to be conveyed upon such carriages;
- For preventing the smoking of tobacco, and the commission of any other nuisance, in or upon such carriages, or in any of the stations or premises occupied by the company;
- And, generally, for regulating the travelling upon, or using and working of the railway;

But no such regulation shall authorize the closing of the railway, or prevent the passage of engines or carriages on the railway, at reasonable times, except at any time when in consequence of any of the works being out of repair, or from any other sufficient cause, it shall be necessary to close the railway or any part thereof.

Power to
make regu-
lations by
by-laws.
3 & 4 Vict.
c. 97.

CXIX. For better enforcing the observance of all or any of such regulations it shall be lawful for the company, subject to the provisions of an act passed in the fourth year of the reign of her present Majesty, intituled "An Act for regulating Railways," to make by-laws, and from time to time to repeal or alter such by-laws, and make others, provided that such by-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act; and such by-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company: and any person offending against any such by-law shall forfeit for every such offence any sum not exceeding five pounds, to be imposed by the company in such by-laws as a penalty for any such offence; and if the infraction or non-observance of any such by-law or other such regulation as aforesaid be

attended with danger or annoyance to the public, or hinderance to the company in the lawful use of the railway, it shall be lawful for the company summarily to interfere to obviate or remove such danger, annoyance, or hinderance, and that without prejudice to any penalty incurred by the infraction of any such by-law.

CX. The substance of such last-mentioned by-laws, Publication of such by-laws. when confirmed or allowed according to the provisions of any act in force regulating the allowance or confirmation of the same, shall be painted on boards, or printed on paper and pasted on boards, and hung up and affixed and continued on the front or other conspicuous part of every wharf or station belonging to the company, according to the nature or subject-matter of such by-laws respectively; and so as to give public notice thereof to the parties interested therein or affected thereby; and such boards shall from time to time be renewed as often as the by-laws thereon or any part thereof shall be obliterated or destroyed; and no penalty imposed by any such by-law shall be recoverable unless the same shall have been published and kept published in manner aforesaid.

CXI. Such by-laws, when so confirmed, published, and affixed, shall be binding upon and be observed by all parties, and shall be sufficient to justify all persons acting under the same; and for proof of the publication of any such by-laws it shall be sufficient to prove that a printed paper or painted board, containing a copy of such by-laws, was affixed and continued in manner by this Act directed, and in case of its being afterwards displaced or damaged then that such paper or board was replaced as soon as conveniently might be. Such by-laws to be binding on all parties.

And with respect to leasing the railway, be it enacted *Leasing of Railway.*

CXII. Where the company shall be authorized by the special Act to lease the railway or any part thereof to any company or person, the lease to be executed in pursuance of such authority shall contain all usual and proper covenants on the part of the lessee for maintaining the railway, or the portion thereof comprised in such lease, in good and efficient repair and working condition during the continuance thereof, and for so leaving the

Exercise of power to lease the railway.

same at the expiration of the term thereby granted, and such other provisions, conditions, covenants, and agreements as are usually inserted in leases of a like nature.

*Powers
vested in the
company may
be exercised
by the lessees.*

CXIII. Such lease shall entitle the company or person to whom the same shall be granted to the free use of the railway or portion of railway comprised therein, and during the continuance of any such lease all the powers and privileges granted to and which might otherwise be exercised and enjoyed by the company, or the directors thereof, or their officers, agents, or servants, by virtue of this or the special Act, with regard to the possession, enjoyment, and management of the railway, or of the part thereof comprised in such lease, and the tolls to be taken thereon, shall be exercised and enjoyed by the lessee, and the officers and servants of such lessee, under the same regulations and restrictions as are by this or the special Act imposed on the company, and their directors, officers, and servants ; and such lessee shall, with respect to the railway comprised in such lease, be subject to all the obligations by this or the special Act imposed on the company.

*Carriages
and Engines.*

And with respect to the engines and carriages to be brought on the railway, be it enacted as follows :

*Engines to
consume
their smoke.*

CXIV. Every locomotive steam-engine to be used on the railway shall, if it use coal or other similar fuel emitting smoke, be constructed on the principle of consuming and so as to consume its own smoke ; and if any engine be not so constructed the company or party using such engine shall forfeit five pounds for every day during which such engine shall be used on the railway.

*Engines to
be approved
by the com-
pany, and
certificate of
approval
given.*

CXV. No locomotive or other engine, or other description of moving power, shall at any time be brought upon or used on the railway unless the same have first been approved of by the company ; and within fourteen days after notice given to the company by any party desirous of bringing any such engine on the railway the company shall cause their engineer or other agent to examine such engine at any place within three miles distance from the railway to be appointed by the owner thereof, and to report thereon to the company ; and within seven days after such report, if such engine be proper to be used on the railway the company

shall give a certificate to the party requiring the same of their approval of such engine; and if at any time the engineer or other agent of the company report that any engine used upon the railway is out of repair, or unfit to be used upon the railway, the company may require the same to be taken off, or may forbid its use upon the railway until the same shall have been repaired to the satisfaction of the company, and upon the engine being so repaired the company shall give a certificate to the party requiring the same of their approval of such engine; and if any difference of opinion arise between the company and the owner of any such engine as to the fitness or unfitness thereof for the purpose of being used on the railway, such difference shall be settled by arbitration.

CXVI. If any person, whether the owner or other person having the care thereof, bring or use upon the railway any locomotive or other engine, or any moving power, without having first obtained such certificate of approval as aforesaid, or if, after notice given by the company to remove any such engine from the railway, such person do not forthwith remove the same, or if, after notice given by the company not to use any such engine on the railway, such person do so use such engine, without having first repaired the same to the satisfaction of the company, and obtained such certificate of approval, every such person shall in any of the cases aforesaid forfeit to the company a sum not exceeding twenty pounds; and in any such case it shall be lawful for the company to remove such engine from the railway.

CXVII. No carriage shall pass along or be upon the railway (except in directly crossing the same, as herein or by the special Act authorized,) unless such carriage be at all times, so long as it shall be used or shall remain on the railway, of the construction and in the condition which the regulations of the company for the time being shall require; and if any dispute arise between the company and the owner of any such carriage as to the construction or condition thereof, in reference to the then existing regulations of the company, such dispute shall be settled by arbitration.

Carriages to
be con-
structed
according to
company's
regulations.

Regulations to apply also to company's carriages.

CXVIII. The regulations from time to time to be made by the company respecting the carriages to be used on the railway shall be drawn up in writing, and be authenticated by the common seal of the company, and shall be applicable alike to the carriages of the company and to the carriages of other companies or persons using the railway; and a copy of such regulations shall, on demand, be furnished by the secretary of the company to any person applying for the same.

Penalty for using improper carriages.

CXIX. If any carriage, not being of such construction or in such condition as the regulations of the company for the time being require, be made to pass or be upon any part of the railway (except as aforesaid), the owner thereof, or any person having for the time being the charge of such carriage, shall forfeit to the company a sum not exceeding ten pounds for every such offence, and it shall be lawful for the company to remove any such carriage from the railway.

Owner's name, &c. to be registered and exhibited on carriages.

CXX. The respective owners of carriages using the railway shall cause to be entered with the secretary or other officer of the company appointed for that purpose the names and places of abode of the owners of such carriages respectively, and the numbers, weights, and gauges of their respective carriages; and such owners shall also, if so required by the company, cause the same particulars to be painted in legible characters on some conspicuous part of the outside of every such carriage, so as to be always open to view; and every such owner shall, whenever required by the company, permit his carriage to be weighed, measured, or gauged at the expense of the company.

On non-compliance carriage may be removed.

CXXI. If the owner of any carriage fail to comply with the requisitions contained in the preceding enactment, it shall be lawful for the company to refuse to allow such carriage to be brought upon the railway, or to remove the same therefrom until such compliance.

Carriages improperly loaded, or suffered to obstruct the road, may be unloaded or removed.

CXXII. If the loading of any carriage using the railway be such as to be liable to collision with other carriages properly loaded, or to be otherwise dangerous, or if the person having the care of any carriage or goods upon the railway suffer the same or any part thereof to remain on the railway so as to obstruct the passage or working

thereof, it shall be lawful for the company to cause such carriage or goods to be unloaded and removed in any manner proper for preventing such collision or obstruction, and to detain such carriage or goods, or any part thereof, until the expenses occasioned by such unloading, removal, or detention be paid.

CXXIII. The company shall not be liable for any damage or loss occasioned by any such unloading, removal, or detention as aforesaid, except for damage wilfully or negligently done to any carriage or goods so unloaded, removed, or detained ; nor shall they be liable for the safe custody of any such carriage or goods so detained, unless the same be wrongfully detained by them, and then only for so long a time as the same shall have been so wrongfully detained.

Company not
to be liable
for damage
by such un-
loading, &c.

CXXIV. The respective owners of engines and carriages passing or being upon the railway shall be answerable for any trespass or damage done by their engineers or carriages, or by any of the servants or persons employed by them, to or upon the railway, or the machinery or works belonging thereto, or to or upon the property of any other person ; and every such servant or other person may lawfully be convicted of such trespass or damage before any two justices of the peace, either by the confession of the party offending, or upon the oath of some credible witness ; and upon such conviction every such owner shall pay to the company, or to the person injured, as the case may be, the damage to be ascertained by such justices, so that the same do not exceed fifty pounds.

Owners liable
for damage
by their
servants.

CXXV. It shall be lawful for any owner of an engine or carriage who shall pay the amount of any damage caused by the misfeasance or negligence of any servant or other person employed by him to recover the amount so paid by him from such servant or other person by the same means as the company are enabled to recover the amount of such damage from the owner of any engine or carriage.

Owners may
recover from
servants.

And with respect to the settlement of disputes by arbitration, be it enacted as follows :

CXXVI. When any dispute authorized or directed by this or the special Act, or any act incorporated there-

Appointment
of arbitrators
when ques-

tions are to be determined by arbitration.

with, to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall nominate and appoint an arbitrator to whom such dispute shall be referred; and every appointment of an arbitrator shall be made on the part of the company, under the hand of the secretary or any two of the directors of the company, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate, under the common seal of such corporation, and such appointment shall be delivered to the arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matters so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single arbitrator shall be final.

Vacancy of arbitrator to be supplied.

CXXVII. If before the matters so referred shall be determined any arbitrator appointed by either party die, or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbitrator may proceed *ex parte*; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or incapacity as aforesaid.

Appointment of umpire.

CXXVIII. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and

appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him, under this or the special Act; and if such umpire shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

CXXIX. If in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an umpire, the Board of Trade shall, on the application of either party to such arbitration, appoint an umpire; and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

CXXX. If, where a single arbitrator shall have been appointed, such arbitrator shall die, or become incapable to act, before he shall have made his award, the matters referred to him shall be determined by arbitration, under the provisions of this or the special Act, in the same manner as if such arbitrator had not been appointed.

CXXXI. If, where more than one arbitrator shall have been appointed, either of the arbitrators refuse, or for seven days neglect to act, the other arbitrator may proceed *ex parte*, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

CXXXII. If, where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time, if any, as shall have been appointed for that purpose by both such arbitrators under their hands, the matter referred to them shall be determined by the umpire to be appointed as aforesaid.

CXXXIII. The said arbitrators or their umpire may call for the production of any documents in the possession

Board of
Trade em-
powered to
appoint an
umpire, on
neglect of the
arbitrators.

If either
arbitrator
refuse to act
the other to
proceed *ex
parte*.

If arbitrators
fail to make
their award
within
twenty-one
days, the
matter to go
to the umpire.

Power for
arbitrators to
call for books,
&c.

or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

**Arbitrator
and umpire
to make
declaration.**

CXXXIV. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him he shall, in the presence of a justice, make and subscribe the following declaration; that is to say,

"I, A. B. do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me, under the provisions of the Act [*naming the special Act.*] A. B.

"Made and subscribed in the presence of . . ."

And such declaration shall be annexed to the award when made; and if any arbitrator or umpire, having made such declaration, shall wilfully act contrary thereto, he shall be guilty of a misdemeanor.

**Costs to be in
the discretion
of the arbit-
trators.**

CXXXV. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of and attending every such arbitration, to be determined by the arbitrators, shall be in the discretion of the arbitrators.

**Submission to
arbitration
may be made
a rule of
court.**

CXXXVI. The submission to any such arbitration may be made a rule of any of the superior courts, on the application of either of the parties.

**The award
not to be set
aside for
matter of
form.**

CXXXVII. No award made with respect to any question referred to arbitration under the provisions of this or the special Act, shall be set aside for irregularity or error in matter of form.

**Service of
notices upon
company.**

CXXXVIII. And be it enacted, That any summons or notice, or any writ, or other proceeding at law or in equity, requiring to be served upon the company, may be served by the same being left at or transmitted through the post directed to the principal office of the company, or one of their principal offices, where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

CXXXIX. And be it enacted, That if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall not recover in any such action; and if no such tender shall have been made, it shall be lawful for the defendant, by leave of the court where such action shall be pending, at any time before issue joined to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, be it enacted as follows :

CXL. In all cases where any damages, costs, or expenses are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by two justices; and if the amount so ascertained be not paid by the company or other party liable to pay the same within seven days after demand, the amount may be recovered by distress of the goods of the company or other party liable as aforesaid; and the justices by whom the same shall have been ordered to be paid, or either of them, or any other justice, on application, shall issue their or his warrant accordingly.

CXLI. If sufficient goods of the company cannot be found whereon to levy any such damages, costs, and expenses payable by the company, the same may, if the amount thereof do not exceed twenty pounds, be recovered by distress of the goods of the treasurer of the company; and the justices aforesaid, or either of them, on application, shall issue their or his warrant accordingly; but no such distress shall issue against the goods of such treasurer unless seven days' previous notice in writing, stating the amount so due, and demanding payment

Tender of
amends.

*Recovery of
Damages
and
Penalties.*

Provision for
damages not
otherwise
provided for.

Distress
against the
treasurer.

thereof, have been given to such treasurer, or left at his residence ; and if such treasurer pay any money under such distress as aforesaid, he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the company, coming into his custody or control, or he may sue the company for the same.

Method of proceeding before justices in questions of damages, &c.

CXLII. Where in this or the special Act any question of compensation, expenses, charges, or damages, or other matter, is referred to the determination of any one justice or more, it shall be lawful for any justice, upon the application of either party, to summon the other party to appear before one justice, or before two justices, as the case may require, at a time and place to be named in such summons ; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such one justice, or such two justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath ; and the costs of every such inquiry shall be in the discretion of such justices, and they shall determine the amount thereof.

Publication of penalties.

CXLIII. The company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or by any bye-law of the company affecting other persons than the shareholders, officers, or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference ; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed : and no such penalty shall be recoverable unless it shall have been published and kept published in the manner herein-before required.

Penalty for defacing boards used:

CXLIV. If any person pull down or injure any board put up or affixed as required by this or the special Act

for the purpose of publishing any bye-law or penalty, or for such publication. shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expenses attending the restoration of such board.

CXLV. Every penalty or forfeiture imposed by this or the special Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices; and on complaint being made to any justice he shall issue a summons requiring the party complained against to appear before two justices at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for any two justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such justices shall think fit.

CXLVI. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress, and such justices, or either of them, shall issue their or his warrant of distress accordingly.

CXLVII. It shall be lawful for any such justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security, by way of recognisance or otherwise, to the satisfaction of the justice, for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing

such warrant of distress it shall appear to the justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such justice whereon to levy such penalty or forfeiture and costs, he may, if he thinks fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the justice, then such justice shall by warrant cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture and costs be sooner paid and satisfied.

Distress how to be levied.

CXLVIII. Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

Distress not unlawful for want of form.

CXLIX. No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

Application of penalties.

CL. The justices by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence shall have been committed, to be applied in aid of the poor's rate of such parish, or if the place wherein the offence shall have been committed shall be extra-parochial, then such justices shall direct

such remainder to be applied in aid of the poor's rate of such extra-parochial place, or, if there shall not be any poor's rate therein, in aid of the poor's rate of any adjoining parish or district.

CLI. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before a justice, unless the complaint respecting such offence shall have been made before such justice within six months next after the commission of such offence.

CLII. If, through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this or the special Act, any damage to the property of the company shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty; and the amount of such damages shall, in case of dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages, on demand, the same shall be levied by distress, and such justices, or one of them, shall issue their or his warrant accordingly.

CLIII. It shall be lawful for any justice to summon any person to appear before him as a witness in any matter in which such justice shall have jurisdiction under the provisions of this or the special Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such justice, every such person shall forfeit a sum not exceeding five pounds for every such offence.

CLIV. It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special Act, and whose name and residence shall be un-

Penalties to
be sued for
within six
months.

Damage to be
made good in
addition to
penalty.

Penalty on
witnesses
making
default.

known to such officer or agent, and convey him, with all convenient despatch, before some justice, without any warrant or other authority than this or the special Act; and such justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

Form of conviction.

CLV. The justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule to this Act annexed.

Proceedings not to be quashed for want of form, &c.

CLVI. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

Parties allowed to appeal to quarter sessions on giving security.

CLVII. If any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the General Quarter Sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

Court to make such order as they think reasonable.

CLVIII. At the Quarter Sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as

they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

CLIX. Provided always, and be it enacted, That notwithstanding anything herein or in the special Act, or any Act incorporated therewith, contained, every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the third year of the reign of her present Majesty, intituled "An Act for regulating the Police Courts in the Metropolis;" and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal, and upon the same terms, as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expenses as he or they would have had or been entitled to in case the order, conviction, and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

Receiver of
metropolitan
police district
to receive
penalties
incurred
within his
district.

2 & 3 Vict.
c. 71.

CLX. And be it enacted, That every person who, upon any examination upon oath, under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

CLXI. And be it declared and enacted, That all sums of money which have been or shall be paid into the Bank of Ireland in the name and with the privity of

Money paid
into the Bank
of Ireland to
be exempt

from usher's
poundage.

1 & 2 Vict.
c. 117.

the Accountant-General of the Court of Chancery of *Ireland*, under the provisions of an Act passed in the second year of the reign of her present Majesty, intituled "An Act to provide for the Custody of certain Moneys paid in pursuance of the Standing Orders of either House of Parliament by Subscribers to Works or Undertakings to be effected under the Authority of Parliament," shall and may be paid out and applied under any order of the said Court of Chancery exempt from usher's poundage.

*Access to
Special Act.*

And with respect to the provisions to be made for affording access to the special Act by all parties interested, be it enacted as follows :

Copies of
special Act to
be kept and
deposited,
and allowed
to be in-
spected.

7 W. 4. &
1 Vict. c. 83.

CLXII. The company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to her Majesty, or some of them ; shall also within the space of such six months deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend a copy of such special Act, so printed as aforesaid ; and the said clerks of the peace shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

Penalty on
company
failing to
keep or
deposit such
copies.

CLXIII. If the company shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit twenty pounds for every such offence, and also five pounds for every day afterwards during which such copy shall be not so kept or deposited.

Act not to
extend to
Scotland.

CLXIV. And be it enacted, That this Act shall not extend to *Scotland*.

CLXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in present session of Parliament.

Act may be
amended this
session.

SCHEDULE REFERRED TO BY THE FORE-GOING ACT.

To wit.

Be it remembered, That on the day of
in the year of our Lord A. B. is convicted
before us, C. D., two of her Majesty's justices of the
peace for the county of [here describe the
*offence generally, and the time and place when and where
committed*], contrary to the [here name the special Act].
Given under our hands and seals the day and year first
above written.

C.

D.

Same for Scotland, 8 Vict., cap. 33.

COMPANIES CLAUSES CONSOLIDATION ACT.

8 VICT. CAP. XVI.

An Act for Consolidating in One Act certain Provisions usually inserted in Acts with respect to the Constitution of Companies incorporated for carrying on Undertakings of a Public Nature.

[8th May, 1845.]

WHEREAS it is expedient to comprise in one general Act sundry provisions relating to the constitution and management of joint stock companies, usually introduced into Acts of Parliament authorizing the execution of undertakings of a public nature by such companies, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings, as for ensuring greater uniformity in the provisions themselves: May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, That this Act shall apply to every joint stock company which shall by any Act which shall hereafter be passed be incorporated for the purpose of carrying on any undertaking, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted by any such Act, shall apply to the company which shall

Act to apply
to all Com-
panies incor-
porated by
Acts hereafter
to be passed.

be incorporated by such Act, and to the undertaking for carrying on which such company shall be incorporated, so far as the same shall be applicable thereto respectively; and such clauses and provisions as well as the clauses and provisions of every other Act which shall be incorporated with such Act, shall, save as aforesaid, form part of such Act, and be construed together therewith as forming one Act.

And with respect to the construction of this Act and Interpretations in this of other Acts to be incorporated therewith, be it enacted ^{Act :}

II. The expression "the special Act," used in this "the special Act," shall be construed to mean any Act which shall be hereafter passed incorporating a joint stock company for the purpose of carrying on any undertaking, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed," used in this Act in reference to "prescribed:" any matter herein stated, shall be construed to refer to ^{ed:} such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used; and the expression "the Undertaking" shall mean the under- "the Under-taking." taking of works, of whatever nature, which shall by the special Act be authorized to be executed.

III. The following words and expressions, both in this and the special Act, shall have the several meanings and the special hereby assigned to them, unless there be something in the subject or the context repugnant to such construction; (that is to say,) ^{Interpretations in this and the special Act:}

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word "Lands" shall extend to messuages, lands, "Lands:" tenements, and hereditaments of any tenure:

The word "Lease" shall include an agreement for a "Lease:" lease:

The word "Month" shall mean calendar month: "Month:"

- “Superior courts.” The expression “Superior Courts” shall mean her Majesty’s Superior Courts of Record at *Westminster* or *Dublin*, as the case may require:
- “Oath.” The word “Oath” shall include affirmation in the case of Quakers, or other declaration lawfully substituted for an oath in the case of any other persons exempted by law from the necessity of taking an oath:
- “County.” The word “County” shall include any riding or other like division of a county, and shall also include county of a city or county of a town:
- “Justice.” The word “Justice” shall mean justice of the peace acting for the county, city, borough, liberty, cinque port, or other place where the matter requiring the cognizance of any such justice shall arise, and who shall not be interested in the matter; and where any matter shall be authorized or required to be done by two justices, the expression “Two Justices” shall be understood to mean two justices assembled and acting together in petty sessions:
- “the Company.” The expression “the Company” shall mean the company constituted by the special Act.
- “Directors.” The expression “the Directors” shall mean the directors of the company, and shall include all persons having the direction of the undertaking, whether under the name of directors, managers, committee of management, or under any other name:
- “Shareholder.” The word “Shareholder” shall mean shareholder, proprietor, or member of the company; and in referring to any such shareholder, expressions properly applicable to a person shall be held to apply to a corporation: And,
- “Secretary.” The expression “the Secretary” shall mean the secretary of the company, and shall include the word “clerk.”
- Short title of the Act. IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression “The Companies Clauses Consolidation Act, 1845.”

V. And whereas it may be convenient in some cases to incorporate with Acts of Parliament hereafter to be passed some portion only of the provisions of this Act; be it therefore enacted, That, for the purpose of making any such incorporation, it shall be sufficient in any such Act to enact that the clauses and provisions of this Act with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act, in the words introductory to the enactment with respect to such matter,) shall be incorporated with such Act, and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

And with respect to the distribution of the capital of the company into shares, be it enacted as follows:

VI. The capital of the company shall be divided into shares of the prescribed number and amount; and such shares shall be numbered in arithmetical progression, beginning with number one; and every such share shall be distinguished by its appropriate number.

VII. All shares in the undertaking shall be personal estate, and transmissible as such, and shall not be of the nature of real estate.

VIII. Every person who shall have subscribed the prescribed sum or upwards to the capital of the company, or shall otherwise have become entitled to a share in the company, and whose name shall have been entered on the register of shareholders hereinafter mentioned, shall be deemed a shareholder of the company.

IX. The company shall keep a book, to be called the "Register of Shareholders;" and in such book shall be fairly and distinctly entered, from time to time, the names of the several corporations, and the names and additions of the several persons entitled to shares in the company, together with the number of shares to which such shareholders shall be respectively entitled, distin-

Form in
which por-
tions of this
Act may be
incorporated
in other Acts.

Shares to be
personal
estate.

Registry of
shareholders.

guishing each share by its number, and the amount of the subscriptions paid on such shares, and the surnames or corporate names of the said shareholders shall be placed in alphabetical order; and such book shall be authenticated by the common seal of the company being affixed thereto; and such authentication shall take place at the first ordinary meeting, or at the next subsequent meeting of the company, and so from time to time at each ordinary meeting of the company.

**Addresses of
shareholders.**

X. In addition to the said register of shareholders, the company shall provide a book, to be called the "Shareholders' Address Book," in which the secretary shall from time to time enter in alphabetical order the corporate names and places of business of the several shareholders of the company, being corporations, and the surnames of the several other shareholders with their respective Christian names, places of abode, and descriptions, so far as the same shall be known to the company; and every shareholder, or if such shareholder be a corporation the clerk or agent of such corporation, may at all convenient times peruse such book *gratis*, and may require a copy thereof or of any part thereof; and for every hundred words so required to be copied, the company may demand a sum not exceeding sixpence.

**Certificates of
shares to be
issued to the
shareholders.**

XI. On demand of the holder of any share the company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder; and such certificate shall have the common seal of the company affixed thereto: and such certificate shall specify the share in the undertaking to which such shareholder is entitled; and the same may be according to the form in the schedule (A.) to this Act annexed, or to the like effect; and for such certificate the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding two shillings and sixpence.

**Certificate to
be evidence.**

XII. The said certificate shall be admitted in all courts as *prima facie* evidence of the title of such shareholder, his executors, administrators, successors, or assigns, to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

XIII. If any such certificate be worn out or damaged, then, upon the same being produced at some meeting of the directors, such directors may order the same to be cancelled, and thereupon another similar certificate shall be given to the party in whom the property of such certificate, and of the share therein mentioned, shall be at the time vested ; or if such certificate be lost or destroyed, then, upon proof thereof to the satisfaction of the directors, a similar certificate shall be given to the party entitled to the certificate so lost or destroyed : and in either case a due entry of the substituted certificate shall be made by the secretary in the register of shareholders ; and for every such certificate so given or exchanged the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding two shillings and sixpence.

And with respect to the transfer or transmission of shares, be it enacted as follows :

XIV. Subject to the regulations herein or in the special Act contained, every shareholder may sell and transfer all or any of his shares in the undertaking, or all or any part of his interest in the capital stock of the company, in case such shares shall, under the provision hereinafter contained, be consolidated into capital stock ; and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated ; and such deed may be according to the form in the schedule (B.) to this Act annexed, or to the like effect.

XV. The said deed of transfer (when duly executed) shall be delivered to the secretary, and be kept by him ; and the secretary shall enter a memorial thereof in a book to be called the " Register of Transfers," and shall endorse such entry on the deed of transfer, and shall, on demand, deliver a new certificate to the purchaser ; and for every such entry, together with such endorsement and certificate, the company may demand any sum not exceeding the prescribed amount, or if no amount be prescribed, then a sum not exceeding two shillings and sixpence ; and on the request of the purchaser of any share an endorsement of such transfer shall be made on the certificate of such share, instead of a new certificate being granted ; and such endorsement, being signed by the secretary, shall be considered in

*Certificate to
be renewed
when de-
stroyed.*

*Transfer of
Shares.*

*Transfer of
shares to be
by deed duly
stamped.*

*Transfers of
shares to be
registered,
&c.*

every respect the same as a new certificate ; and until such transfer has been so delivered to the secretary as aforesaid the vendor of the share shall continue liable to the company for any calls that may be made upon such share, and the purchaser of the share shall not be entitled to receive any share of the profits of the undertaking, or to vote in respect of such share.

Transfer not
to be made
until calls
paid.

XVI. No shareholder shall be entitled to transfer any share, after any call shall have been made in respect thereof, until he shall have paid such call, nor until he shall have paid all calls for the time being due on every share held by him.

Closing of
transfer
books.

XVII. It shall be lawful for the directors to close the register of transfers for the prescribed period, or if no period be prescribed, then for a period not exceeding fourteen days previous to each ordinary meeting, and they may fix a day for the closing of the same, of which seven days' notice shall be given by advertisement in some newspaper as aforesaid ; and any transfer made during the time when the transfer books are so closed shall, as between the company and the party claiming under the same, but not otherwise, be considered as made subsequently to such ordinary meeting.

Transmission
of shares by
other means
than transfer
to be authen-
ticated by a
declaration.

XVIII. If the interest in any share have become transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this or the special Act, such transmission shall be authenticated by a declaration in writing as herein-after mentioned, or in such other manner as the directors shall require ; and every such declaration shall state the manner in which and the party to whom such share shall have been so transmitted, and shall be made and signed by some credible person before a justice, or before a master or master extraordinary of the High Court of Chancery ; and such declaration shall be left with the secretary, and thereupon he shall enter the name of the person entitled under such transmission in the register of shareholders ; and for every such entry the company may demand any sum not exceeding the prescribed amount, and where no amount shall be prescribed then not exceeding five shillings ; and until such

transmission has been so authenticated no person claiming by virtue of any such transmission shall be entitled to receive any share of the profits of the undertaking, nor to vote in respect of any such share as the holder thereof.

XIX. If such transmission be by virtue of the marriage of a female shareholder, the said declaration shall contain a copy of the register of such marriage, or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share; and if such transmission have taken place by virtue of any testamentary instrument, or by intestacy, the probate of the will or the letters of administration, or an official extract therefrom, shall, together with such declaration, be produced to the secretary; and upon such production in either of the cases aforesaid the secretary shall make an entry of the declaration in the said register of transfers.

XX. The company shall not be bound to see to the execution of any trust, whether express, implied, or constructive, to which any of the said shares may be subject; and the receipt of the party in whose name any such share shall stand in the books of the company, or if it stands in the names of more parties than one, the receipt of one of the parties named in the register of shareholders, shall from time to time be a sufficient discharge to the company for any dividend or other sum of money payable in respect of such share, notwithstanding any trusts to which such share may then be subject, and whether or not the company have had notice of such trusts; and the company shall not be bound to see to the application of the money paid upon such receipt.

And with respect to the payment of subscriptions and the means of enforcing the payment of calls, be it enacted as follows:

XXI. The several persons who have subscribed any money towards the undertaking, or their legal representatives, respectively shall pay the sums respectively so subscribed, or such portions thereof as shall from time to time be called for by the company, at such times and places as shall be appointed by the company; and with

Proof of
transmission
by marriage,
will, &c.

respect to the provisions herein or in the special Act contained for enforcing the payment of calls, the word "shareholder" shall extend to and include the legal personal representatives of such shareholder.

Power to make calls.

XXII. It shall be lawful for the company from time to time to make such calls of money upon the respective shareholders, in respect of the amount of capital respectively subscribed or owing by them, as they shall think fit, provided that twenty-one days' notice at the least be given of each call, and that no call exceed the prescribed amount, if any, and that successive calls be not made at less than the prescribed interval, if any, and that the aggregate amount of calls made in any one year do not exceed the prescribed amount, if any; and every shareholder shall be liable to pay the amount of the calls so made, in respect of the shares held by him, to the persons and at the times and places from time to time appointed by the company.

Interest to be paid on calls unpaid.

XXIII. If, before or on the day appointed for payment, any shareholder do not pay the amount of any call to which he is liable, then such shareholder shall be liable to pay interest for the same at the rate allowed by law from the day appointed for the payment thereof to the time of the actual payment.

Power to allow interest on payment of subscriptions before call.

XXIV. It shall be lawful for the company, if they think fit, to receive from any of the shareholders willing to advance the same all or any part of the moneys due upon their respective shares beyond the sums actually called for; and upon the principal moneys so paid in advance, or so much thereof as from time to time shall exceed the amount of the calls then made upon the shares in respect of which such advance shall be made, the company may pay interest at such rate, not exceeding the legal rate of interest for the time being, as the shareholder paying such sum in advance and the company shall agree upon.

Enforcement of calls by action.

XXV. If at the time appointed by the company for the payment of any call, any shareholder fail to pay the amount of such call, it shall be lawful for the company to sue such shareholder for the amount thereof, in any court of law or equity having competent jurisdiction, and

to recover the same, with lawful interest, from the day on which such call was payable.

XXVI. In any action or suit to be brought by the company against any shareholder to recover any money due for any call it shall not be necessary to set forth the special matter, but it shall be sufficient for the company to declare that the defendant is the holder of one share or more in the company (stating the number of shares), and is indebted to the company in the sum of money to which the calls in arrear shall amount in respect of one call or more, upon one share or more (stating the number and amount of each of such calls), whereby an action hath accrued to the company by virtue of this and the special Act.

Declaration
in action for
calls.

XXVII. On the trial or hearing of such action or suit it shall be sufficient to prove that the defendant at the time of making such call was a holder of one share or more in the undertaking, and that such call was in fact made, and such notice thereof given as is directed by this or the special Act; and it shall not be necessary to prove the appointment of the directors who made such call, nor any other matter whatsoever; and thereupon the company shall be entitled to recover what shall be due upon such call, with interest thereon, unless it shall appear either that any such call exceeds the prescribed amount, or that due notice of such call was not given, or that the prescribed interval between two successive calls had not elapsed, or that calls amounting to more than the sum prescribed for the total amount of calls in one year had been made within that period.

Matter to be
proved in
action for
calls.

XXVIII. The production of the register of shareholders shall be *prima facie* evidence of such defendant being a shareholder, and of the number and amount of his shares.

Proof of pro-
prietorship.

And with respect to the forfeiture of shares for non-payment of calls, be it enacted as follows :

Nonpayment
of Calls.

XXIX. If any shareholder fail to pay any call payable by him, together with the interest, if any, that shall have accrued thereon, the directors, at any time after the expiration of two months from the day appointed for payment of such call, may declare the share in respect of

Forfeiture of
shares for
nonpayment
of calls.

which such call was payable forfeited, and that whether the company have sued for the amount of such call or not.

Notice of
forfeiture to
be given
before
declaration
thereof.

XXX. Before declaring any share forfeited the directors shall cause notice of such intention to be left at or transmitted by the post to the usual or last place of abode of the person appearing by the register of shareholders to be the proprietor of such share; and if the holder of any such share be abroad, or if his usual or last place of abode be not known to the directors, by reason of its being imperfectly described in the shareholders' address book, or otherwise, or if the interest in any such share shall be known by the directors to have become transmitted otherwise than by transfer, as hereinbefore mentioned, but a declaration of such transmission shall not have been registered as aforesaid, and so the address of the parties to whom the same may have been transmitted, or may for the time being belong, shall not be known to the directors, the directors shall give public notice of such intention in the *London* or *Dublin Gazette*, according as the company's principal place of business shall be situate in *England* or *Ireland*, and also in some newspaper, as after mentioned; and the several notices aforesaid shall be given twenty-one days at least before the directors shall make such declaration of forfeiture.

Forfeiture to
be confirmed
by a general
meeting.

XXXI. The said declaration of forfeiture shall not take effect so as to authorize the sale or other disposition of any share until such declaration have been confirmed at some general meeting of the company to be held after the expiration of two months at the least from the day on which such notice of intention to make such declaration of forfeiture shall have been given; and it shall be lawful for the company to confirm such forfeiture at any such meeting, and by an order at such meeting, or at any subsequent general meeting, to direct the share so forfeited to be sold or otherwise disposed of.

Sale of for-
feited shares.

XXXII. After such confirmation as aforesaid it shall be lawful for the directors to sell the forfeited share, either by public auction or private contract, and if there be more than one such forfeited share, then either separately or together, as to them shall seem fit; and any shareholder may purchase any forfeited share so sold.

XXXIII. A declaration in writing, by some credible person not interested in the matter, made before any justice, or before any master or master extraordinary of the High Court of Chancery, that the call in respect of a share was made, and notice thereof given, and that default in payment of the call was made, and that the forfeiture of the share was declared and confirmed in manner hereinbefore required, shall be sufficient evidence of the facts therein stated ; and such declaration, and the receipt of the treasurer of the company for the price of such share, shall constitute a good title to such share ; and a certificate of proprietorship shall be delivered to such purchaser, and thereupon he shall be deemed the holder of such share, discharged from all calls due prior to such purchase : and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such sale.

XXXIV. The company shall not sell or transfer more of the shares of any such defaulter than will be sufficient, as nearly as can be ascertained at the time of such sale, to pay the arrears then due from such defaulter on account of any calls, together with interest, and the expenses attending such sale and declaration of forfeiture ; and if the money produced by the sale of any such forfeited shares be more than sufficient to pay all arrears of calls and interest thereon due at the time of such sale, and the expenses attending the declaration of forfeiture and sale thereof, the surplus shall, on demand, be paid to the defaulter.

XXXV. If payment of such arrears of calls and interest and expenses be made before any share so forfeited and vested in the company shall have been sold, such share shall revert to the party to whom the same belonged before such forfeiture in such manner as if such calls had been duly paid.

And with respect to the remedies of creditors of the company against the shareholders, be it enacted as follows :

*Remedies
against
Share-
holders.*

XXXVI. If any execution, either at law or in equity, shall have been issued against the property or effects of the company, and if there cannot be found sufficient

*Execution
against share-
holders to the
extent of*

their shares
in capital not
paid up.

whereon to levy such execution, then such execution may be issued against any of the shareholders to the extent of their shares respectively in the capital of the company not then paid up: Provided always, that no such execution shall issue against any shareholder except upon an order of the court in which the action, suit, or other proceeding shall have been brought or instituted, made upon motion in open court after sufficient notice in writing to the persons sought to be charged; and upon such motion such court may order execution to issue accordingly; and for the purpose of ascertaining the names of the shareholders, and the amount of capital remaining to be paid upon their respective shares, it shall be lawful for any person entitled to any such execution, at all reasonable times, to inspect the register of shareholders without fee.

Reimburse-
ment of such
shareholders.

XXXVII. If by means of any such execution any shareholder shall have paid any sum of money beyond the amount then due from him in respect of calls, he shall forthwith be reimbursed such additional sum by the directors out of the funds of the company.

Power
to borrow
Money.

Power to bor-
row money.

And with respect to the borrowing of money by the company on mortgage or bond, be it enacted as follows:

XXXVIII. If the company be authorized by the special Act to borrow money on mortgage or bond, it shall be lawful for them, subject to the restrictions contained in the special Act, to borrow on mortgage or bond such sums of money as shall from time to time, by an order of a general meeting of the company, be authorized to be borrowed, not exceeding in the whole the sum prescribed by the special Act, and for securing the repayment of the money so borrowed, with interest, to mortgage the undertaking, and the future calls on the shareholders, or to give bonds in manner hereinafter mentioned.

Power to re-
borrow.

XXXIX. If, after having borrowed any part of the money so authorized to be borrowed on mortgage or bond, the company pay off the same, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; but such power of reborrowing shall not be exercised without the authority of a general meeting of the company, unless the money be so re-

borrowed in order to pay off any existing mortgage or bond.

XL. Where by the special Act the company shall be restricted from borrowing any money on mortgage or bond until a definite portion of their capital shall be subscribed or paid up, or where by this or the special Act the authority of a general meeting is required for such borrowing, the certificate of a justice that such definite portion of the capital has been subscribed or paid up, and a copy of the order of a general meeting of the company authorizing the borrowing of any money, certified by one of the directors or by the secretary to be a true copy, shall be sufficient evidence of the fact of the capital required to be subscribed or paid up having been so subscribed or paid up, and of the order for borrowing money having been made; and upon production to any justice of the books of the company, and of such other evidence as he shall think sufficient, such justice shall grant the certificate aforesaid.

Evidence of authority for borrowing.

XLI. Every mortgage and bond for securing money borrowed by the company shall be by deed, under the common seal of the company, duly stamped, and wherein the consideration shall be truly stated: and every such mortgage deed or bond may be according to the form in the schedule (C.) or (D.) to this Act annexed, or to the like effect.

Mortgages and bonds to be stamped.

XLII. The respective mortgagees shall be entitled one with another to their respective proportions of the tolls, sums, and premises comprised in such mortgages, and of the future calls payable by the shareholders, if comprised therein, according to the respective sums in such mortgages mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced, with interest, without any preference one above another by reason of priority of the date of any such mortgage, or of the meeting at which the same was authorized.

Rights of mortgagees.

XLIII. No such mortgage (although it should comprise future calls on the shareholders) shall, unless expressly so provided, preclude the company from receiving and applying to the purposes of the company any calls to be made by the company.

Application of calls, notwithstanding re-mortgage.

Rights of
obligees.

XLIV. The respective obligees in such bonds shall, proportionally according to the amount of the moneys secured thereby, be entitled to be paid, out of the tolls or other property or effects of the company, the respective sums in such bonds mentioned, and thereby intended to be secured, without any preference one above another by reason of priority of date of any such bond, or of the meeting at which the same was authorized, or otherwise howsoever.

Register of
mortgages
and bonds.

XLV. A register of mortgages and bonds shall be kept by the secretary, and within fourteen days after the date of any such mortgage or bond an entry or memorial, specifying the number and date of such mortgage or bond, and the sums secured thereby, and the names of the parties thereto, with their proper additions, shall be made in such register; and such register may be perused at all reasonable times by any of the shareholders, or by any mortgagee or bond creditor of the company, or by any person interested in any such mortgage or bond, without fee or reward.

Transfers of
mortgages
and bonds to
be stamped.

XLVI. Any party entitled to any such mortgage or bond may from time to time transfer his right and interest therein to any other person; and every such transfer shall be by deed duly stamped, wherein the consideration shall be truly stated; and every such transfer may be according to the form in the schedule (E.) to this Act annexed, or to the like effect.

Transfers of
mortgages
and bonds to
be registered.

XLVII. Within thirty days after the date of every such transfer, if executed within the United Kingdom, or otherwise within thirty days after the arrival thereof in the United Kingdom, it shall be produced to the secretary, and thereupon the secretary shall cause an entry or memorial thereof to be made in the same manner as in the case of the original mortgage; and after such entry every such transfer shall entitle the transferee to the full benefit of the original mortgage or bond in all respects; and no party, having made such transfer, shall have power to make void, release, or discharge the mortgage or bond so transferred, or any money thereby secured; and for such entry the company may demand a sum not exceeding the prescribed sum, or, where no sum shall be prescribed, the sum of two shillings and sixpence; and until such entry the company shall not be in any

manner responsible to the transferee in respect of such mortgage.

XLVIII. The interest of the money borrowed upon any such mortgage or bond shall be paid at the periods appointed in such mortgage or bond, and if no period be appointed, half yearly, to the several parties entitled thereto, and in preference to any dividends payable to the shareholders of the company.

XLIX. The interest on any such mortgage or bond shall not be transferable, except by deed duly stamped.

L. The company may, if they think proper, fix a period for the repayment of the principal money so borrowed, with the interest thereof, and in such case the company shall cause such period to be inserted in the mortgage deed or bond; and upon the expiration of such period the principal sum, together with the arrears of interest thereon, shall, on demand, be paid to the party entitled to such mortgage or bond; and if no other place of payment be inserted in such mortgage deed or bond, such principal and interest shall be payable at the principal office or place of business of the company.

LI. If no time be fixed in the mortgage deed or bond for the repayment of the money so borrowed, the party entitled to the mortgage or bond may, at the expiration or at any time after the expiration of twelve months from the date of such mortgage or bond, demand payment of the principal money thereby secured, with all arrears of interest, upon giving six months' previous notice for that purpose; and in the like case the company may at any time pay off the money borrowed, on giving the like notice; and every such notice shall be in writing or print, or both, and if given by a mortgagee or bond creditor shall be delivered to the secretary or left at the principal office of the company, and if given by the company shall be given either personally to such mortgagee or bond creditor or left at his residence, or if such mortgagee or bond creditor be unknown to the directors, or cannot be found after diligent inquiry, such notice shall be given by advertisement in the *London* or *Dublin Gazette*, according as the principal office of the company shall be in *England* or *Ireland*, and in some newspaper as after mentioned.

Interest to
cease on ex-
piration of
notice to pay
off mortgage
or bond.

LII. If the company shall have given notice of their intention to pay off any such mortgage or bond at a time when the same may lawfully be paid off by them, then at the expiration of such notice all further interest shall cease to be payable on such mortgage or bond, unless, on demand of payment made pursuant to such notice, or at any time thereafter, the company shall fail to pay the principal and interest due at the expiration of such notice on such mortgage or bond.

Arrears of
interest,
when to be
enforced by
appointment
of a receiver.

LIII. Where by the special Act the mortgagees of the company shall be empowered to enforce the payment of the arrears of interest, or the arrears of principal and interest, due on such mortgages, by the appointment of a receiver, then, if within thirty days after the interest accruing upon any such mortgage has become payable, and, after demand thereof in writing, the same be not paid, the mortgagee may, without prejudice to his right to sue for the interest so in arrear in any of the superior courts of law or equity, require the appointment of a receiver, by an application to be made as hereinafter provided; and if within six months after the principal money owing upon any such mortgage has become payable, and after demand thereof in writing, the same be not paid, the mortgagee, without prejudice to his right to sue for such principal money, together with all arrears of interest, in any of the superior courts of law or equity, may, if his debt amount to the prescribed sum alone, or if his debt does not amount to the prescribed sum, he may, in conjunction with other mortgagees whose debts, being so in arrear, after demand as aforesaid, shall, together with his, amount to the prescribed sum, require the appointment of a receiver, by an application to be made as hereinafter provided.

Appointment
of receiver.

LIV. Every application for a receiver in the cases aforesaid shall be made to two justices, and on any such application it shall be lawful for such justices, by order in writing, after hearing the parties, to appoint some person to receive the whole or a competent part of the tolls or sums liable to the payment of such interest, or such principal and interest, as the case may be, until such interest, or until such principal and interest, as the case may be, together with all costs, including the charges of receiving the tolls or sums aforesaid, be fully paid; and upon such appointment

being made all such tolls and sums of money as aforesaid shall be paid to and received by the persons so to be appointed; and the money so to be received shall be so much money received by or to the use of the party to whom such interest, or such principal and interest, as the case may be, shall be then due, and on whose behalf such receiver shall have been appointed; and after such interest and costs, or such principal, interest, and costs, have been so received, the power of such receiver shall cease.

LV. At all seasonable times the books of account of the company shall be open to the inspection of the respective mortgagees and bond creditors thereof, with liberty to take extracts therefrom, without fee or reward.

And with respect to the conversion of the borrowed money into capital, be it enacted as follows : Loans.

LVI. It shall be lawful for the company, if they think fit, unless it be otherwise provided by the special Act, to raise the additional sum so authorized to be borrowed, or any part thereof, by creating new shares of the company instead of borrowing the same, or, having borrowed the same, to continue at interest only a part of such additional sum, and to raise part thereof by creating new shares; but no such augmentation of capital as aforesaid shall take place without the previous authority of a general meeting of the company.

LVII. The capital so to be raised by the creation of new shares shall be considered as part of the general capital, and shall be subject to the same provisions in all respects, whether with reference to the payment of calls or the forfeiture of shares on nonpayment of calls, or otherwise, as if it had been part of the original capital, except as to the times of making calls for such additional capital, and the amount of such calls, which respectively it shall be lawful for the company from time to time to fix as they shall think fit.

LVIII. If at the time of any such augmentation of capital taking place by the creation of new shares the then existing shares be at a premium, or of greater actual value than the nominal value thereof, then, unless it be otherwise provided by the special Act, the sum so to be raised shall be divided into shares of such amount as will

conveniently allow the same to be apportioned among the then shareholders in proportion to the existing shares held by them respectively ; and such new shares shall be offered to the then shareholders in the proportion aforesaid : and such offer shall be made by letter under the hand of the secretary given to or sent by post, addressed to each shareholder according to his address in the shareholders' address book, or left at his usual or last place of abode.

Shares to vest in the parties accepting; otherwise to be disposed of by the directors.

If not at a premium, to be issued as company think fit.

Consolidation of Shares.

Power to consolidate shares into stock.

Proprietors of stock may transfer the same.

LIX. The said new shares shall vest in and belong to the shareholders who shall accept the same, and pay the value thereof to the company at the time and by the instalments which shall be fixed by the company ; and if any shareholder fail for one month after such offer of new shares to accept the same, and pay the instalments called for in respect thereof, it shall be lawful for the company to dispose of such shares in such manner as they shall deem most for the advantage of the company.

LX. If at the time of such augmentation of capital taking place the existing shares be not at a premium, then such new shares may be of such amount, and may be issued in such manner and on such terms as the company shall think fit.

And with respect to the consolidation of the shares into stock, be it enacted as follows :

LXI. It shall be lawful for the company from time to time, with the consent of three-fifths of the votes of the shareholders present in person or by proxy at any general meeting of the company, when due notice for that purpose shall have been given, to convert or consolidate all or any part of the shares then existing in the capital of the company, and in respect whereof the whole money subscribed shall have been paid up, into a general capital stock, to be divided amongst the shareholders according to their respective interests therein.

LXII. After such conversion or consolidation shall have taken place all the provisions contained in this or the special Act which require or imply that the capital of the company shall be divided into shares of any fixed amount, and distinguished by numbers, shall, as to so much of the capital as shall have been so converted or



consolidated into stock, cease and be of no effect, and the several holders of such stock may thenceforth transfer their respective interests therein, or any parts of such interests, in the same manner and subject to the same regulations and provisions as or according to which any shares in the capital of the company might be transferred under the provisions of this or the special Act; and the company shall cause an entry to be made in some book, to be kept for that purpose, of every such transfer; and for every such entry they may demand any sum not exceeding the prescribed amount, or if no amount be prescribed a sum not exceeding two shillings and six-pence.

LXIII. The company shall from time to time cause Register of the names of the several parties who may be interested stock. in any such stock as aforesaid, with the amount of the interest therein possessed by them respectively, to be entered in a book to be kept for the purpose, and to be called "The Register of Holders of Consolidated Stock;" and such book shall be accessible at all seasonable times to the several holders of shares or stock in the undertaking.

LXIV. The several holders of such stock shall be entitled to participate in the dividends and profits of the company, according to the amount of their respective interests in such stock, and such interests shall, in proportion to the amount thereof, confer on the holders thereof respectively the same privileges and advantages, for the purpose of voting at meetings of the company, qualification for the office of directors, and for other purposes, as would have been conferred by shares of equal amount in the capital of the company, but so that none of such privileges or advantages, except the participation in the dividends and profits of the company, shall be conferred by any aliquot part of such amount of consolidated stock as would not, if existing in shares, have conferred such privileges or advantages respectively.

LXV. And be it enacted, That all the money raised by the company, whether by subscriptions of the shareholders, or by loan or otherwise, shall be applied, firstly, in paying the costs and expenses incurred in obtaining the special Act, and all expenses incident thereto, and,

*Application
of Capital.*

secondly, in carrying the purposes of the company into execution.

General Meetings.

Ordinary meetings to be held half-yearly.

And with respect to the general meetings of the company, and the exercise of the right of voting by the shareholders, be it enacted as follows:

LXVI. The first general meeting of the shareholders of the company shall be held within the prescribed time, or if no time be prescribed, within one month after the passing of the special Act, and the future general meetings shall be held at the prescribed periods, and if no periods be prescribed, in the months of *February* and *August* in each year, or at such other stated periods as shall be appointed for that purpose by an order of a general meeting; and the meetings so appointed to be held as aforesaid shall be called "Ordinary Meetings;" and all meetings, whether ordinary or extraordinary, shall be held in the prescribed place, if any, and if no place be prescribed, then at some place to be appointed by the directors.

Business at ordinary meetings.

LXVII. No matters, except such as are appointed by this or the special Act to be done at an ordinary meeting, shall be transacted at any such meeting, unless special notice of such matters have been given in the advertisement convening such meeting.

Extraordi-nary meet-ings.

LXVIII. Every general meeting of the shareholders, other than an ordinary meeting, shall be called an "Extraordinary Meeting;" and such meetings may be convened by the directors at such times as they think fit.

Business at extraordi-nary meetings.

LXIX. No extraordinary meeting shall enter upon any business not set forth in the notice upon which it shall have been convened.

Extraordi-nary meet-ings may be required by shareholders.

LXX. It shall be lawful for the prescribed number of shareholders, holding in the aggregate shares to the prescribed amount, or, where the number of shareholders or amount of shares shall not be prescribed, it shall be lawful for twenty or more shareholders holding in the aggregate not less than one-tenth of the capital of the company, by writing under their hands, at any time to require the directors to call an extraordinary meeting of the company; and such requisition shall fully express

the object of the meeting required to be called, and shall be left at the office of the company, or given to at least three directors, or left at their last or usual places of abode; and forthwith upon the receipt of such requisition the directors shall convene a meeting of the shareholders; and if for twenty-one days after such notice the directors fail to call such meeting, the prescribed number, or such other number as aforesaid, of shareholders, qualified as aforesaid, may call such meeting, by giving fourteen days' public notice thereof.

LXXI. Fourteen days' public notice at the least of Notice of all meetings, whether ordinary or extraordinary, shall be given by advertisement, which shall specify the place meetings.
the day, and the hour of meeting; and every notice of an extraordinary meeting, or of an ordinary meeting, if any other business than the business hereby or by the special Act appointed for ordinary meetings is to be done thereat, shall specify the purpose for which the meeting is called.

LXXII. In order to constitute a meeting (whether Quorum for ordinary or extraordinary) there shall be present, either a general meeting.
personally or by proxy, the prescribed quorum, and if no quorum be prescribed then shareholders holding in the aggregate not less than one-twentieth of the capital of the company, and being in number not less than one for every five hundred pounds of such required proportion of capital, unless such number would be more than twenty, in which case twenty shareholders holding not less than one-twentieth of the capital of the company, shall be the quorum; and if within one hour from the time appointed for such meeting the said quorum be not present no business shall be transacted at the meeting, other than the declaring of a dividend, in case that shall be one of the objects of the meeting, but such meeting shall, except in the case of a meeting for the election of directors, hereinafter mentioned, be held to be adjourned *sine die*.

LXXIII. At every meeting of the company one or other of the following persons shall preside as chairman; that is to say, the chairman of the directors, or in his absence the deputy-chairman (if any), or in the absence of the chairman and deputy-chairman some one of the directors of the company to be chosen for that purpose Chairman at general meetings.

by the meeting, or in the absence of the chairman and deputy-chairman and of all the directors, any shareholder to be chosen for that purpose by a majority of the shareholders present at such meeting.

Business at meetings and adjournments.

LXXIV. The shareholders present at any such meeting shall proceed in the execution of the powers of the company with respect to the matters for which such meeting shall have been convened, and those only ; and every such meeting may be adjourned from time to time and from place to place ; and no business shall be transacted at any adjourned meeting other than the business left unfinished at the meeting from which such adjournment took place.

Votes of shareholders.

LXXV. At all general meetings of the company every shareholder shall be entitled to vote according to the prescribed scale of voting, and where no scale shall be prescribed every shareholder shall have one vote for every share up to ten, and he shall have an additional vote for every five shares beyond the first ten shares held by him up to one hundred, and an additional vote for every ten shares held by him beyond the first hundred shares ; provided always, that no shareholder shall be entitled to vote at any meeting unless he shall have paid all the calls then due upon the shares held by him.

Manner of voting.

LXXVI. The votes may be given either personally or by proxies, being shareholders, authorized by writing according to the form in the schedule (F.) to this Act annexed, or in a form to the like effect, under the hand of the shareholder nominating such proxy, or if such shareholder be a corporation, then under their common seal ; and every proposition at any such meeting shall be determined by the majority of votes of the parties present, including proxies, the chairman of the meeting being entitled to vote, not only as a principal and proxy, but to have a casting vote if there be an equality of votes.

Regulations as to proxies.

LXXVII. No person shall be entitled to vote as a proxy unless the instrument appointing such proxy have been transmitted to the secretary of the company the prescribed period, or, if no period be prescribed, not less than forty-eight hours before the time appointed for holding the meeting at which such proxy is to be used.

LXXVIII. If several persons be jointly entitled to a share, the person whose name stands first in the register of shareholders as one of the holders of such share shall, for the purpose of voting at any meeting, be deemed the sole proprietor thereof; and on all occasions the vote of such first-named shareholder, either in person or by proxy, shall be allowed as the vote in respect of such share, without proof of the concurrence of the other holders thereof.

Votes of joint shareholders.
Votes of lunatics and minors, &c.

LXXIX. If any shareholder be a lunatic or idiot, such lunatic or idiot may vote by his committee; and if any shareholder be a minor he may vote by his guardian or any one of his guardians; and every such vote may be given either in person or by proxy.

LXXX. Whenever in this or the special Act the consent of any particular majority of votes at any meeting of the company is required in order to authorize any proceeding of the company, such particular majority shall only be required to be proved in the event of a poll being demanded at such meeting; and if such poll be not demanded, then a declaration by the chairman that the resolution authorizing such proceeding has been carried, and an entry to that effect in the book of proceedings of the company, shall be sufficient authority for such proceeding, without proof of the number or proportion of votes recorded in favour of or against the same.

Proof of particular majority of votes only required in the event of a poll being demanded.

And with respect to the appointment and rotation of directors, be it enacted as follows :

Appointment and Rotation of Directors.

LXXXI. The number of directors shall be the prescribed number.

Number of directors.

LXXXII. Where the company shall be authorized by the special Act to increase or to reduce the number of the directors it shall be lawful for the company, from time to time, in general meeting, after due notice for that purpose, to increase or reduce the number of the directors within the prescribed limits, if any, and to determine the order of rotation in which such reduced or increased number shall go out of office, and what number shall be a quorum at their meetings.

Power to vary the number of directors.

Election of
directors.

LXXXIII. The directors appointed by the special Act shall, unless thereby otherwise provided, continue in office until the first ordinary meeting to be held in the year next after that in which the special Act shall have passed ; and at such meeting the shareholders present, personally or by proxy, may either continue in office the directors appointed by the special Act, or any number of them, or may elect a new body of directors, or directors to supply the places of those not continued in office, the directors appointed by the special Act being eligible as members of such new body ; and at the first ordinary meeting to be held every year thereafter the shareholders present, personally or by proxy, shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions hereinafter contained ; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead, as hereinafter mentioned.

Existing
directors
continued on
failure of
meeting for
election of
directors.

LXXXIV. If at any meeting at which an election of directors ought to take place the prescribed quorum shall not be present within one hour from the time appointed for the meeting no election of directors shall be made, but such meeting shall stand adjourned to the following day at the same time and place ; and if at the meeting so adjourned the prescribed quorum be not present within one hour from the time appointed for the meeting, the existing directors shall continue to act and retain their powers until new directors be appointed at the first ordinary meeting of the following year.

Qualification
of directors.

LXXXV. No person shall be capable of being a director unless he be a shareholder, nor unless he be possessed of the prescribed number, if any, of shares ; and no person holding an office or place of trust or profit under the company, or interested in any contract with the company, shall be capable of being a director ; and no director shall be capable of accepting any other office or place of trust or profit under the company, or of being interested in any contract with the company, during the time he shall be a director.

Cases in
which office

LXXXVI. If any of the directors at any time subsequently to his election accept or continue to hold any

other office or place of trust or profit under the company, or be either directly or indirectly concerned in any contract with the company, or participate in any manner in the profits of any work to be done for the company, or if such director at any time cease to be a holder of the prescribed number of shares in the company, then in any of the cases aforesaid the office of such director shall become vacant, and thenceforth he shall cease from voting or acting as a director.

LXXXVII. Provided always, that no person, being a Shareholder shareholder or member of any incorporated joint stock company, shall be disqualified or prevented from acting as a director by reason of any contract entered into between such joint stock company and the company incorporated by the special Act ; but no such director, being a shareholder or member of such joint stock company, shall vote on any question as to any contract with such joint stock company.

LXXXVIII. The directors appointed by the special Act, and continued in office as aforesaid, or the directors elected to supply the places of those retiring as aforesaid, shall, subject to the provision hereinbefore contained for increasing or reducing the number of directors, retire from office at the times and in the proportions following, the individuals to retire being in each instance determined by ballot among the directors, unless they shall otherwise agree ; (that is to say,) .

At the end of the first year after the first election of directors the prescribed number, and if no number be prescribed one-third of such directors, to be determined by ballot among themselves, unless they shall otherwise agree, shall go out of office :

At the end of the second year the prescribed number, and if no number be prescribed one-half of the remaining number of such directors, to be determined in like manner, shall go out of office :

At the end of the third year the prescribed number, and if no number be prescribed the remainder of such directors shall go out of office :

And in each instance the places of the retiring directors shall be supplied by an equal number of qualified shareholders ; and at the first ordinary meeting in every sub-

sequent year the prescribed number, and if no number be prescribed one-third of the directors, being those who have been longest in office, shall go out of office, and their places shall be supplied in like manner; nevertheless every director so retiring from office may be re-elected immediately or at any future time, and after such re-election shall, with reference to the going out by rotation, be considered as a new director: Provided always, that if the prescribed number of directors be some number not divisible by three, and the number of directors to retire be not prescribed, the directors shall in each case determine what number of directors, as nearly one-third as may be, shall go out of office, so that the whole number shall go out of office in three years.

Supply of occasional vacancies in office of directors.

LXXXIX. If any director die, or resign, or become disqualified or incompetent to act as a director, or cease to be a director by any other cause than that of going out of office by rotation as aforesaid, the remaining directors, if they think proper so to do, may elect in his place some other shareholder, duly qualified, to be a director; and the shareholder so elected to fill up any such vacancy shall continue in office as a director so long only as the person in whose place he shall have been elected would have been entitled to continue if he had remained in office.

Powers of Directors.

And with respect to the powers of the directors, and the powers of the company to be exercised only in general meeting, be it enacted as follows:

Powers of the company to be exercised by the directors.

XC. The directors shall have the management and superintendence of the affairs of the company, and they may lawfully exercise all the powers of the company, except as to such matters as are directed by this or the special Act to be transacted by a general meeting of the company, but all the powers so to be exercised shall be exercised in accordance with and subject to the provisions of this and the special Act; and the exercise of all such powers shall be subject also to the control and regulation of any general meeting specially convened for the purpose, but not so as to render invalid any act done by the directors prior to any resolution passed by such general meeting.

Powers of the company

XCI. Except as otherwise provided by the special Act, the following powers of the company, (that is to say,) the

choice and removal of the directors, except as hereinbefore mentioned, and the increasing or reducing of their number where authorized by the special Act, the choice of auditors, the determination as to the remuneration of the directors, auditors, treasurer, and secretary, the determination as to the amount of money to be borrowed on mortgage, the determination as to the augmentation of capital, and the declaration of dividends, shall be exercised only at a general meeting of the company.

And with respect to the proceedings and liabilities of the directors, be it enacted as follows:

XCII. The directors shall hold meetings at such times as they shall appoint for the purpose, and they may meet and adjourn as they think proper, from time to time, and from place to place; and at any time any two of the directors may require the secretary to call a meeting of the directors, and in order to constitute a meeting of directors there shall be present at the least the prescribed quorum, and when no quorum shall be prescribed there shall be present at least one-third of the directors; and all questions at any such meeting shall be determined by the majority of votes of the directors present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as one of the directors.

XCIII. At the first meeting of directors held after the passing of the special Act, and at the first meeting of the directors held after each annual appointment of directors, the directors present at such meeting shall choose one of the directors to act as chairman of the directors for the year following such choice, and shall also, if they think fit, choose another director to act as deputy chairman for the same period; and if the chairman or deputy chairman die or resign, or cease to be a director, or otherwise become disqualified to act, the directors present at the meeting next after the occurrence of such vacancy shall choose some other of the directors to fill such vacancy; and every such chairman or deputy chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such death, resignation, removal, or disqualification had not happened.

Occasional chairman of directors.

XCIV. If at any meeting of the directors neither the chairman nor deputy chairman be present the directors present shall choose some one of their number to be chairman of such meeting.

Committees of directors.

XCV. It shall be lawful for the directors to appoint one or more committees, consisting of such number of directors as they think fit, within the prescribed limits, if any, and they may grant to such committees respectively power on behalf of the company to do any acts relating to the affairs of the company which the directors could lawfully do, and which they shall from time to time think proper to intrust to them.

Meetings of committees.

XCVI. The said committees may meet from time to time, and may adjourn from place to place, as they think proper, for carrying into effect the purposes of their appointment; and no such committee shall exercise the powers intrusted to them except at a meeting at which there shall be present the prescribed quorum, or if no quorum be prescribed, then a quorum to be fixed for that purpose by the general body of directors; and at all meetings of the committees one of the members present shall be appointed chairman; and all questions at any meeting of the committee shall be determined by a majority of votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Contracts by committee or directors, how to be entered into.

XCVII. The power which may be granted to any such committee to make contracts, as well as the power of the directors to make contracts on behalf of the company, may lawfully be exercised as follows; (that is to say,)

With respect to any contract which, if made between private persons, would be by law required to be in writing, and under seal, such committee or the directors may make such contract on behalf of the company in writing, and under the common seal of the company, and in the same manner may vary or discharge the same:

With respect to any contract which, if made between private persons, would be by law required to be in writing, and signed by the parties to be charged therewith, then such committee or the directors may

make such contract on behalf of the company in writing, signed by such committee or any two of them, or any two of the directors, and in the same manner may vary or discharge the same:

With respect to any contract which, if made between private persons, would by law be valid although made by parol only, and not reduced into writing, such committee or the directors may make such contract on behalf of the company by parol only, without writing, and in the same manner may vary or discharge the same:

And all contracts made according to the provisions herein contained shall be effectual in law, and shall be binding upon the company and their successors, and all other parties thereto, their heirs, executors, or administrators, as the case may be; and on any default in the execution of any such contract, either by the company or any other party thereto, such actions or suits may be brought, either by or against the company, as might be brought had the same contracts been made between private persons only.

XCVIII. The directors shall cause notes, minutes, or copies, as the case may require, of all appointments made or contracts entered into by the directors, and of the orders and proceedings of all meetings of the company, and of the directors and committees of directors, to be duly entered in books, to be from time to time provided for the purpose, which shall be kept under the superintendence of the directors; and every such entry shall be signed by the chairman of such meeting; and such entry, so signed, shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such respective meetings having been duly convened or held, or of the persons making or entering such orders or proceedings being shareholders or directors or members of committee respectively, or of the signature of the chairman, or of the fact of his having been chairman, all of which last-mentioned matters shall be presumed, until the contrary be proved.

XCIX. All Acts done by any meeting of the directors, or of a committee of directors, or by any person acting as a director, shall, notwithstanding it may be afterwards discovered that there was some defect in the

Informalities
in appoint-
ment of
directors not
to invalidate
proceedings.

appointment of any such directors or persons acting as aforesaid, or that they or any of them were or was disqualified, be as valid as if every such person had been duly appointed and was qualified to be a director.

Directors not to be personally liable. C. No director, by being party to or executing in his capacity of director any contract or other instrument on behalf of the company, or otherwise lawfully executing any of the powers given to the directors, shall be subject to be sued or prosecuted, either individually or collectively, by any person whomsoever; and the bodies or goods or lands of the directors shall not be liable to execution of any legal process by reason of any contract or other instrument so entered into, signed, or executed by them, or by reason of any other lawful act done by them in the execution of any of their powers as directors; and the directors, their heirs, executors, and administrators, shall be indemnified out of the capital of the company for all payments made or liability incurred in respect of any acts done by them, and for all losses, costs, and damages which they may incur in the execution of the powers granted to them; and the directors for the time being of the company may apply the existing funds and capital of the company for the purposes of such indemnity, and may, if necessary for that purpose, make calls of the capital remaining unpaid, if any.

Auditors. — And with respect to the appointment and duties of auditors, be it enacted as follows:

Election of auditors. CI. Except where by the special Act auditors shall be directed to be appointed otherwise than by the company, the company shall, at the first ordinary meeting after the passing of the special Act, elect the prescribed number of auditors, and if no number is prescribed two auditors, in like manner as is provided for the election of directors; and at the first ordinary meeting of the company in each year thereafter the company shall in like manner elect an auditor to supply the place of the auditor then retiring from office, according to the provision hereinafter contained; and every auditor elected as hereinbefore provided, being neither removed nor disqualified, nor having resigned, shall continue to be an auditor until another be elected in his stead.

CII. Where no other qualification shall be prescribed by the special Act, every auditor shall have at least one share in the undertaking ; and he shall not hold any office in the company, nor be in any other manner interested in its concerns, except as a shareholder.

CIII. One of such auditors (to be determined in the first instance by ballot between themselves, unless they shall otherwise agree, and afterwards by seniority,) shall go out of office at the first ordinary meeting in each year ; but the auditor so going out shall be immediately re-eligible, and after any such re-election shall, with respect to the going out of office by rotation, be deemed a new auditor.

CIV. If any vacancy take place among the auditors in the course of the current year, then at any general meeting of the company the vacancy may, if the company think fit, be supplied by election of the shareholders.

CV. The provision of this Act respecting the failure of an ordinary meeting at which directors ought to be chosen shall apply, *mutatis mutandis*, to any ordinary meeting at which an auditor ought to be appointed.

CVI. The directors shall deliver to such auditors the half-yearly or other periodical accounts and balance-sheet, fourteen days at the least before the ensuing ordinary meeting at which the same are required to be produced to the shareholders as hereinafter provided.

CVII. It shall be the duty of such auditors to receive from the directors the half-yearly or other periodical accounts and balance-sheet required to be presented to the shareholders, and to examine the same.

CVIII. It shall be lawful for the auditors to employ such accountants and other persons as they may think proper, at the expense of the company, and they shall either make a special report on the said accounts, or simply confirm the same ; and such report or confirmation shall be read, together with the report of the directors, at the ordinary meeting.

Accountability of officers.

And with respect to the accountability of the officers of the company, be it enacted as follows:

Security to be taken from officers intrusted with money.

CIX. Before any person intrusted with the custody or control of money, whether treasurer, collector, or other officer of the company, shall enter upon his office, the directors shall take sufficient security from him for the faithful execution of his office.

Officers to account, on demand.

CX. Every officer employed by the company shall from time to time, when required by the directors, make out and deliver to them, or to any person appointed by them for that purpose, a true and perfect account in writing under his hand of all moneys received by him on behalf of the company; and such account shall state how, and to whom, and for what purpose such moneys shall have been disposed of; and, together with such account, such officer shall deliver the vouchers and receipts for such payments; and every such officer shall pay to the directors, or to any person appointed by them to receive the same, all moneys which shall appear to be owing from him upon the balance of such accounts.

Summary remedy against parties failing to account.

CXI. If any such officer fail to render such account, or to produce and deliver up all the vouchers and receipts relating to the same in his possession or power, or to pay the balance thereof when thereunto required, or if for three days after being thereunto required he fail to deliver up to the directors, or to any person appointed by them to receive the same, all papers and writings, property, effects, matters, and things, in his possession or power, relating to the execution of this or the special Act, or any Act incorporated therewith, or belonging to the company, then, on complaint thereof being made to a justice, such justice shall summon such officer to appear before two or more justices at a time and place to be set forth in such summons, to answer such charge; and upon the appearance of such officer, or in his absence upon proof that such summons was personally served upon him, or left at his last known place of abode, such justices may hear and determine the matter in a summary way, and may adjust and declare the balance owing by such officer; and if it appear, either upon confession of such officer or upon evidence, or upon inspection of the account, that any moneys of the company are in the

hands of such officer, or owing by him to the company, such justices may order such officer to pay the same; and if he fail to pay the amount it shall be lawful for such justices to grant a warrant to levy the same by distress, or, in default thereof, to commit the offender to gaol, there to remain without bail for a period not exceeding three months, unless the same be sooner paid.

CXII. If any such officer refuse to make out such account in writing, or to produce and deliver to the justices the several vouchers and receipts relating thereto, or to deliver up any books, papers, or writings, property, effects, matters, or things, in his possession or power, belonging to the company, such justices may lawfully commit such offender to gaol, there to remain until he shall have delivered up all the vouchers and receipts, if any, in his possession or power, relating to such accounts, and have delivered up all books, papers, writings, property, effects, matters, and things, if, any, in his possession or power, belonging to the company.

Officers refusing to deliver up documents, &c., to be imprisoned.

CXIII. Provided always, That if any director or other person acting on behalf of the company shall make oath that he has good reason to believe, upon grounds to be stated in his deposition, and does believe, that it is the intention of any such officer as aforesaid to abscond, it shall be lawful for the justice before whom the complaint is made, instead of issuing his summons, to issue his warrant for the bringing such officer before such two justices as aforesaid; but no person executing such warrant shall keep such officer in custody longer than twenty-four hours, without bringing him before some justice; and it shall be lawful for the justice before whom such officer may be brought either to discharge such officer, if he think there is no sufficient ground for his detention, or to order such officer to be detained in custody, so as to be brought before two justices, at a time and place to be named in such order, unless such officer give bail to the satisfaction of such justice for his appearance before such justices to answer the complaint of the company.

Where officer about to abscond a warrant may be issued in the first instance.

CXIV. No such proceeding against or dealing with any such officer as aforesaid shall deprive the company of any remedy which they might otherwise have against such officer, or any surety of such officer.

Sureties not to be discharged.

Accounts.

— And with respect to the keeping of accounts, and the right of inspection thereof by the shareholders, be it enacted as follows :

Accounts to be kept.

CXV. The directors shall cause full and true accounts to be kept of all sums of money received or expended on account of the company by the directors and all persons employed by or under them, and of the matters and things for which such sums of money shall have been received or disbursed and paid.

Books to be balanced.

CXVI. The books of the company shall be balanced at the prescribed periods, and, if no periods be prescribed, fourteen days at least before each ordinary meeting; and forthwith on the books being so balanced an exact balance-sheet shall be made up, which shall exhibit a true statement of the capital stock, credits, and property of every description belonging to the company, and the debts due by the company at the date of making such balance-sheet, and a distinct view of the profit or loss which shall have arisen on the transactions of the company in the course of the preceding half year; and previously to each ordinary meeting such balance-sheet shall be examined by the directors, or any three of their number, and shall be signed by the chairman or deputy chairman of the directors.

Inspection of accounts by shareholders at stated times.

CXVII. The books so balanced, together with such balance-sheet as aforesaid, shall for the prescribed periods, and if no periods be prescribed for fourteen days previous to each ordinary meeting, and for one month thereafter, be open for the inspection of the shareholders at the principal office or place of business of the company; but the shareholders shall not be entitled at any time, except during the periods aforesaid, to demand the inspection of such books, unless in virtue of a written order signed by three of the directors.

Balance-sheet to be produced at the meeting.

CXVIII. The directors shall produce to the shareholders assembled at such ordinary meeting the said balance-sheet, applicable to the period immediately preceding such meeting, together with the report of the auditors thereon, as hereinbefore provided.

Book-keeper to allow.

CXIX. The directors shall appoint a book-keeper to enter the accounts aforesaid in books to be provided for



the purpose ; and every such book-keeper shall permit any shareholder to inspect such books and to take copies or extracts therefrom at any reasonable time during the prescribed periods, and if no periods be prescribed during one fortnight before and one month after every ordinary meeting ; and if he fail to permit any such shareholder to inspect such books, or take copies or extracts therefrom, during the periods aforesaid, he shall forfeit to such shareholder for every such offence a sum not exceeding five pounds.

And with respect to the making of dividends, be it Dividends.
enacted as follows :

CXX. Previously to every ordinary meeting at which a dividend is intended to be declared the directors shall cause a scheme to be prepared, showing the profits, if any, of the company for the period current since the preceding ordinary meeting at which a dividend was declared, and apportioning the same, or so much thereof as they may consider applicable to the purposes of dividend, among the shareholders, according to the shares held by them respectively, the amount paid thereon, and the periods during which the same may have been paid, and shall exhibit such scheme at such ordinary meeting, and at such meeting a dividend may be declared according to such scheme.

CXXI. The company shall not make any dividend whereby their capital stock will be in any degree reduced: Provided always, that the word "Dividend" shall not be construed to apply to a return of any portion of the capital stock, with the consent of all the mortgagees and bond creditors of the company, due notice being given for that purpose at an extraordinary meeting to be convened for that object.

CXXII. Before apportioning the profits to be divided among the shareholders the directors may, if they think fit, set aside thereout such sum as they may think proper to meet contingencies, or for enlarging, repairing, or improving the works connected with the undertaking, or any part thereof, and may divide the balance only among the shareholders.

CXXIII. No dividend shall be paid in respect of any share until all calls then due in respect of that and every

inspection of
the accounts
at the ap-
pointed
times.

Previously to
declaration of
dividends a
scheme to be
prepared.

Dividend not
to be made so
as to reduce
capital.

Power to
directors to
set apart a
fund for con-
tingencies.

unless all
calls paid.

other share held by the person to whom such dividend may be payable shall have been paid.

Bye Laws.

Power to
make bye-
laws for the
officers of the
company.

And with respect to the making of bye-laws, be it enacted as follows :

CXXIV. It shall be lawful for the company from time to time to make such bye-laws as they think fit, for the purpose of regulating the conduct of the officers and servants of the company, and for providing for the due management of the affairs of the company in all respects whatsoever, and from time to time to alter or repeal any such bye-laws, and make others, provided such bye-laws be not repugnant to the laws of that part of the United Kingdom where the same are to have effect, or to the provisions of this or the special Act ; and such bye-laws shall be reduced into writing, and shall have affixed thereto the common seal of the company ; and a copy of such bye-laws shall be given to every officer and servant of the company affected thereby.

Fines for
breach of
such bye-
laws.

CXXV. It shall be lawful for the company, by such bye-laws, to impose such reasonable penalties upon all persons, being officers or servants of the company, offending against such bye-laws, as the company think fit, not exceeding five pounds for any one offence.

Bye-laws to
be so framed
as that penal-
ties may be
mitigated.

CXXVI. All the bye-laws to be made by the company shall be so framed as to allow the justice before whom any penalty imposed thereby may be sought to be recovered to order a part only of such penalty to be paid, if such justice shall think fit.

Evidence of
bye-laws.

CXXVII. The production of a written or printed copy of the bye-laws of the company, having the common seal of the company affixed thereto, shall be sufficient evidence of such bye-laws in all cases of prosecution under the same.

Arbitration.

And with respect to the settlement of disputes by arbitration, be it enacted as follows :

Appointment
of arbitrator
when ques-
tions are to be
determined
by arbitra-
tion.

CXXVIII. When any dispute authorized or directed by this or the special Act, or any act incorporated therewith, to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other

party, shall by writing under his hand nominate and appoint an arbitrator to whom such dispute shall be referred; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as such revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties; and such arbitrator may proceed to hear and determine the matters which shall be in dispute; and in such case the award or determination of such single arbitrator shall be final.

CXXIX. If before the matters so referred shall be determined any arbitrator appointed by either party die, or become incapable or refuse or for seven days neglect to act as arbitrator, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place; and if for the space of seven days after notice in writing from the other party for that purpose he fail to do so the remaining or other arbitrator may proceed *ex parte*; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death, refusal, or disability as aforesaid.

Vacancy of
arbitrator to
be supplied.

CXXX. Where more than one arbitrator shall have been appointed, such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, and if such umpire shall die, or refuse or for seven days neglect to act, they shall forthwith after such death, refusal, or neglect appoint another umpire in his place; and the decision of every such umpire on the matters so referred to him shall be final.

Appointment
of umpire.

CXXXI. If in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration neglect to appoint an

Board of
Trade em-
powered to
appoint an

umpire, on neglect of the arbitrators, in case of railway companies. appoint an umpire, it shall be lawful for the Board of Trade, if they think fit, in any case in which a railway company shall be one party to the arbitration, on the application of either party to such arbitration, to appoint an umpire; and the decision of such umpire on the matters on which the arbitrators shall differ shall be final.

Power of arbitrators to call for books, &c.

CXXXII. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

Costs to be in the discretion of the arbitrators.

CXXXIII. Except where by this or the special Act, or any Act incorporated therewith, it shall be otherwise provided, the costs of attending every such arbitration, to be determined by the arbitrators, shall be in the discretion of the arbitrators or their umpires, as the case may be.

Submission to arbitration to be made a rule of court.

CXXXIV. The submission to any such arbitration may be made a rule of any of the superior courts, on the application of either of the parties.

Notices.

Service of notices upon company.

And with respect to the giving of Notices, be it enacted as follows :

CXXXV. Any summons or notice, or any writ, or other proceeding at law or in equity, requiring to be served upon the company, may be served by the same being left at or transmitted through the post directed to the principal office of the company, or one of their principal offices, where there shall be more than one, or being given personally to the secretary, or in case there be no secretary then by being given to any one director of the company.

Service by company on shareholders.

CXXXVI. Notices requiring to be served by the company upon the shareholders may, unless expressly required to be served personally, be served by the same being transmitted through the post directed according to the registered address or other known address of the shareholder, within such period as to admit of its being delivered in the due course of delivery within the period (if any) prescribed for the giving of such notice ; and in

proving such service it shall be sufficient to prove that such notice was properly directed, and that it was so put into the post office.

CXXXVII. All notices directed to be given to the shareholders shall, with respect to any share to which persons are jointly entitled, be given to whichever of the said persons shall be named first in the register of shareholders; and notice so given shall be sufficient notice to all the proprietors of such share.

CXXXVIII. All notices required by this or the special Act, or any Act incorporated therewith, to be given by advertisement, shall be advertised in the prescribed newspaper, or if no newspaper be prescribed, or if the prescribed newspaper cease to be published, in a newspaper circulating in the district within which the company's principal place of business shall be situated.

CXXXIX. Every summons, notice, or other such document requiring authentication by the company, may be signed by two directors, or by the treasurer or the secretary of the company, and need not be under the common seal of the company, and the same may be in writing or in print, or partly in writing and partly in print.

CXL. And be it enacted, That if any person against whom the company shall have any claim or demand become bankrupt, or take the benefit of any Act for the relief of insolvent debtors, it shall be lawful for the secretary or treasurer of the company, in all proceedings against the estate of such bankrupt or insolvent, or under any fiat, sequestration, or act of insolvency against such bankrupt or insolvent, to represent the company, and act in their behalf, in all respects as if such claim or demand had been the claim or demand of such secretary or treasurer, and not of the company.

CXLI. And be it enacted, That if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or by virtue of any power or authority thereby given, and if before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last-mentioned party shall

not recover in any such action; and if no such tender shall have been made, it shall be lawful for the defendant, by leave of the court where such action shall be pending, at any time before issue joined to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

*Recovery of
Damages
and
Penalties.*

And with respect to the recovery of damages not specially provided for, and penalties, be it enacted as follows:

*Provision for
damages not
otherwise
provided for.*

CXLII. In all cases where any damages, costs, or expenses are by this or the special Act, or any Act incorporated therewith, directed to be paid, and the method of ascertaining the amount or enforcing the payment thereof is not provided for, such amount, in case of dispute, shall be ascertained and determined by two justices; and if the amount so ascertained be not paid by the company or other party liable to pay the same within seven days after demand, the amount may be recovered by distress of the goods of the company or other party liable as aforesaid; and the justices by whom the same shall have been ordered to be paid, or either of them, on application, shall issue their or his warrant accordingly.

*Distress
against the
treasurer.*

CXLIII. If sufficient goods of the company cannot be found whereon to levy any such damages, costs, or expenses payable by the company, the same may, if the amount thereof do not exceed twenty pounds, be recovered by distress of the goods of the treasurer of the company; and the justices aforesaid, or either of them, on application, shall issue their or his warrant accordingly; but no such distress shall issue against the goods of such treasurer unless seven days' previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress as aforesaid, he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the company, coming into his custody or control, or he may sue the company for the same.

CXLIV. Where in this or the special Act, or any Act incorporated therewith, any question of compensation, expenses, charges, or damages, is referred to the determination of any one justice or more, it shall be lawful for any justice, upon the application of either party, to summon the other party to appear before one justice, or before two justices, as the case may require, at a time and place to be named in such summons; and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such one justice, or such two justices, as the case may be, to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, on oath; and the costs of every such inquiry shall be in the discretion of such justices, and they shall determine the amount thereof.

CXLV. The company shall publish the short particulars of the several offences for which any penalty is imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law of the company affecting other persons than the shareholders, officers, or servants of the company, and of the amount of every such penalty, and shall cause such particulars to be painted on a board, or printed upon paper and pasted thereon, and shall cause such board to be hung up or affixed on some conspicuous part of the principal place of business of the company, and where any such penalties are of local application, shall cause such boards to be affixed in some conspicuous place in the immediate neighbourhood to which such penalties are applicable or have reference; and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed: and no such penalty shall be recoverable unless it shall have been published and kept published in the manner hereinbefore required.

CXLVI. If any person pull down or injure any board put up or affixed as required by this or the special Act, or any Act incorporated therewith, for the purpose of publishing any bye-law or penalty, or shall obliterate any of the letters or figures thereon, he shall forfeit for every such offence a sum not exceeding five pounds, and shall defray the expenses attending the restoration of such board.

Method of proceeding before Justices in questions of damages, &c.

Publication of penalties.

Penalty for defacing boards used for such publication.

**Penalties to
be summarily
recovered
before two
justices.**

CXLVII. Every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices; and on complaint being made to any justice he shall issue a summons requiring the party complained against to appear before two justices at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for two justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such justices shall think fit.

**Penalties may
be levied by
distress.**

CXLVIII. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress, and such justices, or either of them, shall issue their or his warrant of distress accordingly.

**Imprison-
ment in
default of
distress.**

CXLI. It shall be lawful for any such justice to order any offender so convicted as aforesaid to be detained and kept in safe custody until return can be conveniently made to the warrant of distress to be issued for levying such penalty or forfeiture and costs, unless the offender give sufficient security, by way of recognisance or otherwise, to the satisfaction of the justice, for his appearance before him on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if before issuing such warrant of distress it shall appear to the justice, by the admission of the offender or otherwise, that no sufficient distress can be had within the jurisdiction of such justice whereon to levy such penalty or forfeiture



and costs, he may, if he thinks fit, refrain from issuing such warrant of distress; and in such case, or if such warrant shall have been issued, and upon the return thereof such insufficiency as aforesaid shall be made to appear to the justice, then such justice shall by warrant cause such offender to be committed to gaol, there to remain without bail for any term not exceeding three months, unless such penalty or forfeiture and costs be sooner paid and satisfied.

CL. Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether to be levied in the nature of penalty or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

CLI. No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

CLII. The justices by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence shall have been committed, for the benefit of the poor of such parish; or if the place wherein the offence shall have been committed shall be extra-parochial, then such justices shall direct such remainder to be applied for the benefit of the poor of such extra-parochial place, or of any adjoining parish or district, and shall order the same to be paid over to the proper officer for that purpose.

Penalties to be sued for within six months.

CLIII. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before a justice, unless the complaint respecting such offence shall have been made before such justice within six months next after the commission of such offence.

Damage to be made good in addition to penalty.

CLIV. If, through any act, neglect, or default on account whereof any person shall have incurred any penalty imposed by this or the special Act, or any Act incorporated therewith, any damage to the property of the company shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty; and the amount of such damages shall, in case of dispute, be determined by the justices by whom the party incurring such penalty shall have been convicted; and on non-payment of such damages, on demand, the same shall be levied by distress, and such justices, or one of them, shall issue their or his warrant accordingly.

Penalty on witnesses making default.

CLV. It shall be lawful for any justice to summon any person to appear before him as a witness in any matter in which such justice shall have jurisdiction under the provisions of this or the special Act, or any Act incorporated therewith, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such justice, every such person shall forfeit a sum not exceeding five pounds for every such offence.

Transient offenders.

CLVI. It shall be lawful for any officer or agent of the company, and all persons called by him to his assistance, to seize and detain any person who shall have committed any offence against the provisions of this or the special Act, or any Act incorporated therewith, and whose name and residence shall be unknown to such officer or agent, and convey him, with all convenient despatch, before some justice, without any

warrant or other authority than this or the special Act ; and such justice shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender,

CLVII. The justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule (G.) to this Act annexed.

CLVIII. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

CLIX. If any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the General Quarter Sessions for the county or place in which the cause of appeal shall have arisen ; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

CLX. At the Quarter Sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions ; and upon the hearing of such appeal the court may, if they think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable ; and they may make such

order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

*Access to
Special Act.*

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows :

Copies of
special Act to
be kept and
deposited,
and allowed
to be in-
spected.

CLXI. The company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to her Majesty, or some of them ; and where the undertaking shall be a railway, canal, or other like undertaking, the works of which shall not be confined to one town or place, shall also within the space of such six months deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend and in the office of the town clerk of every burgh or city into which or within one mile of which the works shall extend, a copy of such special Act, so printed as aforesaid ; and the said clerks of the peace and town clerks shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

7 W. 4. &
1 Vict. c. 83.

Penalty on
company
failing to
keep or
deposit such
copies.

CLXII. If the company shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit twenty pounds for every such offence, and also five pounds for every day afterwards during which such copy shall be not so kept or deposited.

Act not to
extend to
Scotland.

CLXIII. And be it enacted, That this Act shall not extend to *Scotland*.

CLXIV. Provided always, and be it enacted, That if For recovering
any shareholder residing in Scotland shall fail to pay the amount of any call made upon him by the company in respect of any share held by him, it shall be lawful for the company to proceed against him in Scotland, and to sue for and recover the amount of such call, or to declare such share forfeited, in such manner as is by "The Companies Clauses Consolidation (Scotland) Act, 1845;" in case the same shall pass into a law, provided in regard to shareholders of any company in Scotland.

CLXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this session of Parliament. Act may be amended, &c.

SCHEDULES REFERRED TO BY THE FOREGOING ACT.

SCHEDULE (A.)

Form of Certificate of Share.

"The Company."

Number

This is to certify, That A.B. of is the Proprietor of the Share Number of "The Company," subject to the regulation of the said Company. Given under the common seal of the said Company, the day of in the year of our Lord

SCHEDULE (B.)

Form of Transfer of Shares or Stock.

I of in consideration of the sum of paid to me by do hereby transfer to the said share [or shares], numbered in the undertaking called "The Company" [or Pounds Consolidated Stock in the undertaking called "The Company," standing (or part of the stock standing) in my name in

the books of the Company], to hold unto the said his Executors, Administrators, and Assigns [or Successors and Assigns], subject to the several conditions on which I held the same at the time of the execution hereof; and I the said do hereby agree to take the said Share [or Shares] [or Stock], subject to the same conditions. As witness our hands and seals, the day of

SCHEDULE (C.)

Form of Mortgage Deed.

“The Company.”

Mortgage, number £

By virtue of [here name the special Act], we, “The Company,” in consideration of the sum pounds paid to us by A.B. of do assign unto the said A.B., his Executors, Administrators, and Assigns, the said undertaking, [and (*in case such Loan shall be in anticipation of the capital authorized to be raised*) all future calls on shareholders], and all the tolls and sums of money arising by virtue of the said Act, and all the Estate, Right, Title, and interest of the Company in the same; to hold unto the said A.B., his Executors, Administrators, and Assigns, until the said sum of pounds, together with interest for the same at the rate of for every one hundred pounds by the year, be satisfied [the principal sum to be repaid at the end of years from the date hereof (*in case any period be agreed upon for that purpose*)], at or any place of payment other than the Principal Office of the Company]. Given under our common seal, this day of in the year of our Lord

SCHEDULE (D.)

Form of Bond.

“The Company.”
Bond, Number £

By virtue of [here name the special Act], we, “The Company,” in consideration of the sum of pounds to us in hand paid by A.B. of do bind ourselves and our successors



unto the said *A.B.*, his Executors, Administrators, and Assigns, in the penal sum of pounds.

The condition of the above obligation is such, that if the said company shall pay to the said *A.B.*, his Executors, Administrators, or Assigns, [at (in case any other place of payment than the principal office of the Company be intended).] on the day of which will be in the year one thousand eight hundred and , the principal sum of pounds, together with interest for the same at the rate of pounds per centum per annum, payable half-yearly on the day of and day of then the above-written obligation is to become void, otherwise to remain in full force. Given under our common seal, this day of one thousand eight hundred and

SCHEDULE (E.)

Form of Transfer of Mortgage or Bond.

I, *A.B.* of in consideration of the sum of paid to me by *G.H.* of do hereby transfer to the said *G.H.*, his Executors, Administrators, and Assigns, a certain Bond [or Mortgage] Number made by "The Company" to bearing date the day of for securing the sum of and interest [or, if such Transfer be by Endorsement, the within security], and all my Right, Estate, and Interest in and to the money thereby secured [and if the Transfer be of a Mortgage, and in and to the tolls, money, and property thereby assigned]. In witness whereof I have hereunto set my hand and seal, this day one thousand eight hundred and

SCHEDULE (F.)

Form of Proxy.

A.B. one of the Proprietors of "The Company," doth hereby appoint *C.D.* to be the Proxy of the said *A.B.*, in

his absence to vote in his name upon any matter relating to the undertaking proposed at the meeting of the Proprietors of the said Company to be held on the day of next, in such manner as he the said C.D. doth think proper. In witness whereof the said A.B. hath hereunto set his hand [*or, if a Corporation, say the common seal of the Corporation*], the day of , one thousand eight hundred and

SCHEDULE (G.)

Form of Conviction.

To wit.

Be it remembered, That on the day of in the year of our Lord A.B. is convicted before us C., D., two of her Majesty's Justices of the Peace for the County of [here describe the offence generally, and the time and place when and where committed], contrary to the [here name the special Act]. Given under our hands and seals, the day and year first above written.

C.

D.

Same for Scotland, 8 Vict., cap. 17.

LANDS CLAUSES CONSOLIDATION ACT.

8 VICT. CAP. XVIII.

An Act for Consolidating in One Act certain Provisions usually inserted in Acts authorizing the taking of Lands for Undertakings of a Public Nature.

[8th May, 1845.]

WHEREAS it is expedient to comprise in one general Act sundry provisions usually introduced into Acts of Parliament relative to the acquisition of lands required for undertakings or works of a public nature, and to the compensation to be made for the same, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several Acts relating to such undertakings, as for ensuring greater uniformity in the provisions themselves: May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, That this Act shall apply to every undertaking authorized by any Act which shall hereafter be passed, and which shall authorize the purchase or taking of lands for such undertaking, and this Act shall be incorporated with such Act; and all the clauses and provisions of this Act, save so far as they shall be expressly varied or excepted

Act to apply
to all under-
takings au-
thorized by
Acts hereafter
to be passed.

by any such Act, shall apply to the undertaking authorized thereby, so far as the same shall be applicable to such undertaking, and shall, as well as the clauses and provisions of every other Act which shall be incorporated with such Act, form part of such Act, and be construed together therewith as forming one Act.

Interpretations in this Act :

"the special Act :"

"prescribed :"

"the Works."

"Promoters of the Undertaking."

Interpretations in this and the special Act :

Number :

Gender :

"Lands :"

And with respect to the construction of this Act and of Acts to be incorporated therewith, be it enacted as follows :

II. The expression "the special Act," used in this Act, shall be construed to mean any Act which shall be hereafter passed which shall authorize the taking of lands for the undertaking to which the same relates, and with which this Act shall be so incorporated as aforesaid; and the word "prescribed," used in this Act in reference to any matter herein stated, shall be construed to refer to such matter as the same shall be prescribed or provided for in the special Act; and the sentence in which such word shall occur shall be construed as if, instead of the word "prescribed," the expression "prescribed for that purpose in the special Act" had been used; and the expression "the works" or "the undertaking" shall mean the works or undertaking of whatever nature, which shall by the special Act be authorized to be executed; and the expression "the promoters of the undertaking," shall mean the parties, whether company, undertakers, commissioners, trustees, corporations, or private persons, by the special Act empowered to execute such works or undertaking.

III. The following words and expressions, both in this and the special Act, shall have the several meanings hereby assigned to them, unless there be something either in the subject or the context repugnant to such construction; (that is to say,)

Words importing the singular number only shall include the plural number; and words importing the plural number only shall include the singular number:

Words importing the masculine gender only shall include females:

The word "Lands" shall extend to messuages, lands, tenements, and hereditaments of any tenure:

The word "Lease" shall include an agreement for a "Lease:"
lease:

The word "Month" shall mean calendar month: "Month:"
The expression "Superior Courts" shall mean her "Superior
Majesty's Superior Courts of Record at *Westminster* courts:"
or *Dublin*, as the case may require:

The word "Oath" shall include affirmation in the "Oath:"
case of Quakers, or other declaration lawfully sub-
stituted for an oath in the case of any other persons
exempted by law from the necessity of taking an
oath:

The word "County" shall include any riding or other "County:"
like division of a county, and shall also include
county of a city or county of a town:

The word "Sheriff" shall include under sheriff, or "the She-
other legally competent deputy; and where any riff."
matter in relation to any lands is required to be done
by any sheriff, or by any clerk of the peace, the
expression "the Sheriff," or the expression "the
Clerk of the Peace," shall in such case be construed "the Clerk of
to mean the sheriff or the clerk of the peace of the the Peace:"
county, city, borough, liberty, cinque port, or place
where such lands shall be situate; and if the lands
in question, being the property of one and the same
party, be situate not wholly in one county, city,
borough, liberty, cinque port, or place, the same
expression shall be construed to mean the sheriff or
clerk of the peace of any county, city, borough,
liberty, cinque port, or place where any part of such
lands shall be situate:

The word "Justices" shall mean justices of the peace "Justices:"
acting for the county, city, liberty, cinque port, or
place where the matter requiring the cognizance of
any such justice shall arise, and who shall not be
interested in the matter; and where such matter
shall arise in respect of lands being the property of
one and the same party, situate not wholly in any
one county, city, borough, liberty, cinque port, or
place, the same shall mean a justice acting for the
county, city, borough, liberty, cinque port, or place
where any part of such lands shall be situate, and
who shall not be interested in such matter; and
where any matter shall be authorized or required to

"two Justices;"

be done by two justices, the expression "Two Justices" shall be understood to mean two justices assembled and acting together.

"Owner;"

Where under the provisions of this or the special Act, or any Act incorporated therewith, any notice shall be required to be given to the owner of any lands, or where any act shall be authorized or required to be done with the consent of any such owner, the word "Owner" shall be understood to mean any person or corporation who, under the provisions of this or the special Act, would be enabled to sell and convey lands to the promoters of the undertaking:

"the Bank;"

The expression "the Bank" shall mean the Bank of *England* where the same shall relate to moneys to be paid or deposited in respect of lands situate in *England*, and shall mean the Bank of *Ireland* where the same shall relate to moneys to be paid or deposited in respect of lands situate in *Ireland*.

Short title of the Act.

IV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression "The Lands Clauses Consolidation Act, 1845."

Form in which portions of this Act may be incorporated with other Acts.

V. And whereas it may be convenient in some cases to incorporate with Acts of Parliament hereafter to be passed some portion only of the provisions of this Act; be it therefore enacted, That, for the purpose of making any such incorporation, it shall be sufficient in any such Act to enact that the clauses of this Act with respect to the matter so proposed to be incorporated (describing such matter as it is described in this Act, in the words introductory to the enactment with respect to such matter,) shall be incorporated with such Act, and thereupon all the clauses and provisions of this Act with respect to the matter so incorporated shall, save so far as they shall be expressly varied or excepted by such Act, form part of such Act, and such Act shall be construed as if the substance of such clauses and provisions were set forth therein with reference to the matter to which such Act shall relate.

And with respect to the purchase of lands by agreement, be it enacted as follows:

Purchase of Lands by Agreement.

VI. Subject to the provisions of this and the special Act it shall be lawful for the promoters of the undertaking to agree with the owners of any lands by the special Act authorized to be taken, and which shall be required for the purposes of such Act, and with all parties having any estate or interest in such lands, or by this or the special Act enabled to sell and convey the same, for the absolute purchase, for a consideration in money, of any such lands, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kind soever.

Power to purchase lands by agreement.

VII. It shall be lawful for all parties, being seized, possessed of, or entitled to any such lands, or any estate or interest therein, to sell and convey or release the same to the promoters of the undertaking, and to enter into all necessary agreements for that purpose; and particularly it shall be lawful for all or any of the following parties so seized, possessed, or entitled as aforesaid so to sell, convey, or release; (that is to say,) all corporations, tenants in tail or for life, married women seized in their own right or entitled to dower, guardians, committees of lunatics and idiots, trustees or feoffees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession or subject to any estate in dower, or to any lease for life or for lives, and year or for years, or any less interest; and the power so to sell and convey or release as aforesaid may lawfully be exercised by all such parties, other than married women entitled to dower, or lessees for life, or for lives and years, or for years, or for any less interest, not only on behalf of themselves and their respective heirs, executors, administrators, and successors, but also for and on behalf of every person entitled in reversion, remainder, or expectancy after them, or in defeasance of the estates of such parties, and as to such married women, whether they be of full age or not, as if they were sole and full of age, and as to such guardians, on behalf of their wards, and as to such committees, on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics,

Parties under disability enabled to sell and convey.

and idiots respectively could have exercised the same power under the authority of this or the special Act if they had respectively been under no disability, and as to such trustees, executors, and administrators, on behalf of their cestuique trusts, whether infants, issue unborn, lunatics, feme covert, or other persons, and that to the same extent as such cestuique trusts respectively could have exercised the same powers under the authority of this and the special Act if they had respectively been under no disability.

Parties under disability to exercise other powers.

VIII. The power hereinafter given to enfranchise copyhold lands, as well as every other power required to be exercised by the lord of any manor pursuant to the provisions of this or the special Act, or any Act incorporated therewith, and the power to release lands from any rent, charge, or incumbrance, and to agree for the apportionment of any such rent, charge, or incumbrance, shall extend to and may lawfully be exercised by every party hereinbefore enabled to sell and convey or release lands to the promoters of the undertaking.

Amount of compensation in case of parties under disability to be ascertained by valuation, and paid into the bank.

IX. The purchase-money or compensation to be paid for any lands to be purchased or taken from any party under any disability or incapacity, and not having power to sell or convey such lands except under the provisions of this or the special Act, and the compensation to be paid for any permanent damage or injury to any such lands, shall not, except where the same shall have been determined by the verdict of a jury, or by arbitration, or by the valuation of a surveyor appointed by two justices under the provision hereinafter contained, be less than shall be determined by the valuation of two able practical surveyors, one of whom shall be nominated by the promoters of the undertaking, and the other by the other party, and if such two surveyors cannot agree in the valuation, then by such third surveyor as any two justices shall upon application of either party, after notice to the other party, for that purpose nominate; and each of such two surveyors if they agree, or if not then the surveyor nominated by the said justices, shall annex to the valuation a declaration in writing, subscribed by them or him, of the correctness thereof; and all such purchase-money or compensation shall be deposited in the bank for the benefit

of the parties interested, in manner hereinafter mentioned.

X. It shall be lawful for any person seised in fee of, or entitled to dispose of absolutely for his own benefit, any lands authorized to be purchased for the purposes of the special Act to sell and convey such lands or any part thereof unto the promoters of the undertaking, in consideration of an annual rent-charge payable by the promoters of the undertaking, but, except as aforesaid, the consideration to be paid for the purchase of any such lands, or for any damage done thereto, shall be in a gross sum.

XI. The yearly rents reserved by any such conveyance shall be charged on the tolls or rates, if any, payable under the special Act, and shall be otherwise secured in such manner as shall be agreed between the parties, and shall be paid by the promoters of the undertaking as such rents become payable; and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable may either recover the same from the promoters of the undertaking, with costs of suit, by action of debt in any of the superior courts, or it shall be lawful for him to levy the same by distress of the goods and chattels of the promoters of the undertaking.

XII. In case the promoters of the undertaking shall be empowered by the special Act to purchase lands for extraordinary purposes, it shall be lawful for all parties who, under the provisions hereinbefore contained, would be enabled to sell and convey lands, to sell and convey the lands so authorized to be purchased for extraordinary purposes.

XIII. It shall be lawful for the promoters of the undertaking to sell the lands which they shall have so acquired for extraordinary purposes, or any part thereof, in such manner, and for such considerations, and to such persons, as the promoters of the undertaking may think fit, and again to purchase other lands for the like purposes, and afterwards sell the same, and so from time to time; but the total quantity of land to be held at any one time by the promoters of the undertaking, for

the purposes aforesaid, shall not exceed the prescribed quantity.

Restraint on purchase from incapacitated persons.

XIV. The promoters of the undertaking shall not, by virtue of the power to purchase land for extraordinary purposes, purchase more than the prescribed quantity from any party under legal disability, or who would not be able to sell and convey such land except under the powers of this and the special Act; and if the promoters of the undertaking purchase the said quantity of land from any party under such legal disability, and afterwards sell the whole or any part of the land so purchased, it shall not be lawful for any party being under legal disability to sell to the promoters of the undertaking any other lands in lieu of the land so sold or disposed of by them.

Municipal corporations not to sell without the approbation of the Treasury.

XV. Nothing in this or the special Act contained shall enable any municipal corporation to sell for the purposes of the special Act, without the approbation of the commissioners of her Majesty's Treasury of the United Kingdom of *Great Britain and Ireland*, or any three of them, any lands which they could not have sold without such approbation before the passing of the special Act, other than such lands as the company are by the powers of this or the special Act empowered to purchase or take compulsorily.

Purchase of Lands otherwise than by Agreement.

And with respect to the purchase and taking of lands otherwise than by agreement, be it enacted as follows:

Capital to be subscribed before compulsory powers of purchase put in force.

XVI. Where the undertaking is intended to be carried into effect by means of a capital to be subscribed by the promoters of the undertaking, the whole of the capital or estimated sum for defraying the expenses of the undertaking shall be subscribed under contract binding the parties thereto, their heirs, executors, and administrators, for the payment of the several sums by them respectively subscribed, before it shall be lawful to put in force any of the powers of this or the special Act, or any Act incorporated therewith, in relation to the compulsory taking of land for the purposes of the undertaking.

A certificate of two Justices.

XVII. A certificate under the hands of two justices certifying that the whole of the prescribed sum has been

subscribed, shall be sufficient evidence thereof, and on ^{tices to be} the application of the promoters of the undertaking, and ^{evidence that} the production of such evidence as such justices think ^{the capital} proper and sufficient, such justices shall grant such cer- ^{has been} ^{subscribed.} tificate accordingly.

XVIII. When the promoters of the undertaking shall require to purchase or take any of the lands which by this or the special Act, or any Act incorporated therewith, they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same, or such of the said parties as shall, after diligent inquiry, be known to the promoters of the undertaking, and by such notice shall demand from such parties the particulars of their estate and interest in such lands, and of the claims made by them in respect thereof; and every such notice shall state the particulars of the lands so required, and that the promoters of the undertaking are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

XIX. All notices required to be served by the promoters of the undertaking upon the parties interested in or entitled to sell any such lands shall either be served personally on such parties or left at their last usual place of abode, if any such can after diligent inquiry be found, and in case any such parties shall be absent from the United Kingdom, or cannot be found after diligent inquiry, shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

XX. If any such party be a corporation aggregate such notice shall be left at the principal office of business of such corporation, or if no such office can after diligent inquiry be found, shall be served on some principal member, if any, of such corporation, and such notice shall also be left with the occupier of such lands, or, if there be no such occupier, shall be affixed upon some conspicuous part of such lands.

XXI. If, for twenty-one days after the service of such notice, any such party shall fail to state the particulars of ^{If parties} ^{fail to treat,}

or in case of dispute, question to be settled as after mentioned.

his claim in respect of any such land, or to treat with the promoters of the undertaking in respect thereof, or if such party and the promoters of the undertaking shall not agree as to the amount of the compensation to be paid by the promoters of the undertaking for the interest in such lands belonging to such party, or which he is by this or the special Act enabled to sell, or for any damage that may be sustained by him by reason of the execution of the works, the amount of such compensation shall be settled in the manner hereinafter provided for settling cases of disputed compensation.

Disputes as to compensation where the amount claimed does not exceed 50*l.* to be settled by two justices.

XXII. If no agreement be come to between the promoters of the undertaking and the owners of or parties by this Act enabled to sell and convey or release any lands taken or required for or injuriously affected by the execution of the undertaking, or any interest in such lands, as to the value of such lands or of any interest therein, or as to the compensation to be made in respect thereof, and if in any such case the compensation claimed shall not exceed fifty pounds, the same shall be settled by two justices.

Compensation exceeding 50*l.* to be settled by arbitration or jury, at the option of the party claiming compensation.

XXIII. If the compensation claimed or offered in any such case shall exceed fifty pounds, and if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice in writing to the promoters of the undertaking, before they have issued their warrant to the sheriff to summon a jury in respect of such lands, under the provisions hereinafter contained, stating in such notice the nature of the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be so settled accordingly; but unless the party claiming compensation shall as aforesaid signify his desire to have the question of such compensation settled by arbitration, or if when the matter shall have been referred to arbitration the arbitrators or their umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury, as hereinafter provided.

Method of proceeding for settling disputes as to

XXIV. It shall be lawful for any justice, upon the application of either party with respect to any question of disputed compensation by this or the special Act, or

any Act incorporated therewith, authorized to be settled compensation by two justices, to summon the other party to appear before two justices, at a time and place to be named in the summons, and upon the appearance of such parties, or in the absence of any of them, upon proof of due service of the summons, it shall be lawful for such justices to hear and determine such question, and for that purpose to examine such parties or any of them, and their witnesses, upon oath, and the costs of every such inquiry shall be in the discretion of such justices, and they shall settle the amount thereof.

XXV. When any question of disputed compensation by this or the special Act, or any Act incorporated therewith, authorized or required to be settled by arbitration, shall have arisen, then, unless both parties shall concur in the appointment of a single arbitrator, each party, on the request of the other party, shall nominate and appoint an arbitrator, to whom such dispute shall be referred; and every appointment of an arbitrator shall be made on the part of the promoters of the undertaking under the hands of the said promoters or any two of them, or of their secretary or clerk, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation; and such appointment shall be delivered to the arbitrator, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made; and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation; and if for the space of fourteen days after any such dispute shall have arisen, and after a request in writing, in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last-mentioned party fail to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator, may appoint such arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

Vacancy of
arbitrator to
be supplied.

XXVI. If, before the matters so referred shall be determined, any arbitrator appointed by either party die, or become incapable, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if, for the space of seven days after notice in writing from the other party for that purpose, he fail to do so, the remaining or other arbitrator may proceed *ex parte*; and every arbitrator so to be substituted as aforesaid shall have the same powers and authorities as were vested in the former arbitrator at the time of such his death or disability as aforesaid.

Appointment
of umpire.

XXVII. Where more than one arbitrator shall have been appointed such arbitrators shall, before they enter upon the matters referred to them, nominate and appoint, by writing under their hands, an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this or the special Act, and if such umpire shall die, or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

Board of
Trade em-
powered to
appoint an
umpire on
neglect of the
arbitrators, in
case of rail-
way com-
panies.

XXVIII. If in either of the cases aforesaid the said arbitrators shall refuse, or shall, for seven days after request of either party to such arbitration, neglect to appoint an umpire, the Board of Trade, in any case in which a railway company shall be one party to the arbitration, and two justices in any other case, shall on the application of either party to such arbitration, appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ, or which shall be referred to him under this or the special Act, shall be final.

In case of
death of
single arbi-
trator, the
matter to
begin *de novo*.

XXIX. If, when a single arbitrator shall have been appointed, such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitration under the provisions of this or the special Act in the same manner as if such arbitrator had not been appointed.

If either arbi-
trator refuse

XXX. If where more than one arbitrator shall have been appointed, either of the arbitrators refuse or for

seven days neglect to act, the other arbitrator may proceed *ex parte*, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

XXXI. If where more than one arbitrator shall have been appointed, and where neither of them shall refuse or neglect to act as aforesaid, such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time (if any,) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

XXXII. The said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath, and administer the oaths necessary for that purpose.

XXXIII. Before any arbitrator or umpire shall enter into the consideration of any matters referred to him, he shall in the presence of a justice make and subscribe the following declaration; that is to say,

'I A. B. do solemnly and sincerely declare, That I will faithfully and honestly, and to the best of my skill and ability, hear and determine the matters referred to me under the provisions of the Act [naming the special Act.]

A. B.

'Made and subscribed in the presence of .

And such declaration shall be annexed to the award when made; and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto he shall be guilty of a misdemeanour.

XXXIV. All the costs of any such arbitration, and incident thereto, to be settled by the arbitrators, shall be borne by the promoters of the undertaking, unless the arbitrators shall award the same or a less sum than shall have been offered by the promoters of the undertaking, in which case each party shall bear his own costs incident

to the arbitration, and the costs of the arbitrators shall be borne by the parties in equal proportions.

Award to be delivered to the promoters of the undertaking.

XXXV. The arbitrators shall deliver their award in writing to the promoters of the undertaking, and the said promoters shall retain the same, and shall forthwith, on demand, at their own expense, furnish a copy thereof to the other party to the arbitration, and shall at all times, on demand, produce the said award, and allow the same to be inspected or examined by such party or any person appointed by him for that purpose.

Submission may be made a rule of court.

XXXVI. The submission to any such arbitration may be made a rule of any of the superior courts, on the application of either of the parties.

Award not void through error in form.

XXXVII. No award made with respect to any question referred to arbitration under the provisions of this or the special Act shall be set aside for irregularity or error in matter of form.

Promoters of the undertaking to give notice before summoning a jury.

XXXVIII. Before the promoters of the undertaking shall issue their warrant for summoning a jury for settling any case of disputed compensation they shall give not less than ten days' notice to the other party of their intention to cause such jury to be summoned, and in such notice the promoters of the undertaking shall state what sum of money they are willing to give for the interest in such lands sought to be purchased by them from such party, and for the damage to be sustained by him by the execution of the works.

Warrant for summoning jury to be addressed to the sheriff.

XXXIX. In every case in which any such question of disputed compensation shall be required to be determined by the verdict of a jury the promoters of the undertaking shall issue their warrant to the sheriff requiring him to summon a jury for that purpose, and such warrant shall be under the common seal of the promoters of the undertaking if they be a corporation, or if they be not a corporation under the hands and seals of such promoters or any two of them; and if such sheriff be interested in the matter in dispute such application shall be made to some coroner of the county in which the lands in question, or some part thereof, shall be situate, and if all the coroners of such county be so interested, such application may be made to some person having filled the office of sheriff or coroner in such



county, and who shall be then living there, and who shall not be interested in the matter in dispute; and with respect to the persons last mentioned, preference shall be given to one who shall have most recently served either of the said offices; and every ex-sheriff, coroner, or ex-coroner shall have power, if he think fit, to appoint a deputy or assessor.

XL. Throughout the enactments contained in this Act relating to the reference to a jury, where the term "Sheriff" is used, the provisions applicable thereto shall be held to apply to every coroner or other person lawfully acting in his place; and in every case in which any such warrant shall have been directed to any other person than the sheriff, such sheriff shall, immediately on receiving notice of the delivery of the warrant, deliver over, on application for that purpose, to the person to whom the same shall have been directed, or to any person appointed by him to receive the same, the jurors book and special jurors list belonging to the county where the lands in question shall be situate.

Provisions applicable to sheriff to apply to coroner.

XLI. Upon the receipt of such warrant the sheriff ^{Jury to be summoned.} shall summon a jury of twenty-four indifferent persons, duly qualified to act as common jurymen in the superior courts, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than fourteen nor more than twenty-one days after the receipt of such warrant, and such place not being more than eight miles distant from the lands in question, unless by consent of the parties interested, and he shall forthwith give notice to the promoters of the works of the time and place so appointed by him.

XLII. Out of the jurors appearing upon such summons a jury of twelve persons shall be drawn by the sheriff, in such manner as juries for trials of issues joined in the superior courts are by law required to be drawn, and if a sufficient number of jurymen do not appear in obedience to such summons the sheriff shall return other indifferent men, duly qualified as aforesaid, of the bystanders, or others that can speedily be procured, to make up the jury to the number aforesaid; and all parties concerned may have their lawful challenges against any of the jurymen, but no such party shall challenge the array.

Sheriff to preside; witnesses to be summoned.

XLIII. The sheriff shall preside on the said inquiry, and the party claiming compensation shall be deemed the plaintiff, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law; and if either party so request in writing, the sheriff shall summon before him any person considered necessary to be examined as a witness touching the matters in question, and on the like request the sheriff shall order the jury, or any six or more of them, to view the place or matter in controversy, in like manner as views may be had in the trial of actions in the superior courts.

Penalty on sheriff and jury for default.

XLIV. If the sheriff make default in any of the matters hereinbefore required to be done by him in relation to any such trial or inquiry, he shall forfeit fifty pounds for every such offence, and such penalty shall be recoverable by the promoters of the undertaking by action in any of the superior courts; and if any person summoned and returned upon any jury under this or the special Act, whether common or special, do not appear, or if appearing, he refuse to make oath, or in any other manner unlawfully neglect his duty, he shall, unless he show reasonable excuse to the satisfaction of the sheriff, forfeit a sum not exceeding ten pounds, and every such penalty payable by a sheriff or juryman shall be applied in satisfaction of the costs of the inquiry, so far as the same will extend; and in addition to the penalty hereby imposed, every such juryman shall be subject to the same regulations, pains, and penalties as if such jury had been returned for the trial of an issue joined in any of the superior courts.

Penalty on witnesses making default.

XLV. If any person duly summoned to give evidence upon any such inquiry, and to whom a tender of his reasonable expenses shall have been made, fail to appear at the time and place specified in the summons without sufficient cause, or if any person, whether summoned or not, who shall appear as a witness refuse to be examined on oath touching the subject matter in question, every person so offending shall forfeit to the party aggrieved a sum not exceeding ten pounds.

Notice of inquiry.

XLVI. Not less than ten days' notice of the time and place of the inquiry shall be given in writing by the promoters of the undertaking to the other party.

XLVII. If the party claiming compensation shall not appear at the time appointed for the inquiry such inquiry shall not be further proceeded in, but the compensation to be paid shall be such as shall be ascertained by a surveyor appointed by two justices in manner herein-after provided.

XLVIII. Before the jury proceed to inquire of and assess the compensation or damage in respect of which their verdict is to be given, they shall make oath that they will truly and faithfully inquire of and assess such compensation or damage, and the sheriff shall administer such oaths, as well as the oaths of all persons called upon to give evidence.

XLIX. Where such inquiry shall relate to the value of lands to be purchased, and also to compensation claimed for injury done or to be done to the lands held therewith, the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands required for the works, or of any interest therein belonging to the party with whom the question of disputed compensation shall have arisen, or which, under the provisions herein contained, he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such lands by the exercise of the powers of this or the special Act, or any Act incorporated therewith.

L. The sheriff before whom such inquiry shall be held shall give judgment for the purchase-money or compensation assessed by such jury, and the verdict and judgment shall be signed by the sheriff, and being so signed shall be kept by the clerk of the peace among the records of the general or quarter-sessions of the county in which the lands or any part thereof shall be situate in respect of which such purchase-money or compensation shall have been awarded; and such verdicts and judgments shall be deemed records, and the same or true copies thereof shall be good evidence in all courts and elsewhere, and all persons may inspect the said verdicts and judgments, and may have copies thereof or extracts therefrom, on paying for each inspection thereof one

shilling, and for every one hundred words copied or extracted therefrom sixpence, which copies or extracts the clerk of the peace is hereby required to make out, and to sign and certify the same to be true copies.

sts of the
quiry how
be borne.

L.I. On every such inquiry before a jury, where the verdict of the jury shall be given for a greater sum than the sum previously offered by the promoters of the undertaking; all the costs of such inquiry shall be borne by the promoters of the undertaking; but if the verdict of the jury be given for the same or a less sum than the sum previously offered by the promoters of the undertaking, or if the owner of the lands shall have failed to appear at the time and place appointed for the inquiry, having received due notice thereof, one-half of the costs of summoning, impanelling, and returning the jury, and of taking the inquiry and recording the verdict and judgment thereon, in case such verdict shall be taken, shall be defrayed by the owner of the lands, and the other half by the promoters of the undertaking, and each party shall bear his own costs, other than as aforesaid, incident to such inquiry.

rticulars of
e costs.

L.II. The costs of any such inquiry shall, in case of difference, be settled by one of the masters of the Court of Queen's Bench of *England* or *Ireland*, according as the lands are situate, on the application of either party, and such costs shall include all reasonable costs, charges, and expenses incurred in summoning, impanelling, and returning the jury, taking the inquiry, the attendance of witnesses, the employment of counsel and attorneys, recording the verdict and judgment thereon, and otherwise incident to such inquiry.

ayment of
sts.

L.III. If any such costs shall be payable by the promoters of the undertaking, and if within seven days after demand such costs be not paid to the party entitled to receive the same, they shall be recoverable by distress, and on application to any justice he shall issue his warrant accordingly; and if any such costs shall be payable by the owner of the lands or of any interest therein, the same may be deducted and retained by the promoters of the undertaking, out of any money awarded by the jury to such owner, or determined by the valuation of a surveyor under the provision hereinafter contained; and the payment or deposit of the remainder, if any, of such money shall be deemed payment and satisfaction

of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined, the excess shall be recoverable by distress, and on application to any justice he shall issue his warrant accordingly.

LIV. If either party desire any such question of disputed compensation as aforesaid to be tried before a special jury, such question shall be so tried, provided that notice of such desire, if coming from the other party, be given to the promoters of the undertaking before they have issued their warrant to the sheriff; and for that purpose the promoters of the undertaking shall by their warrant to the sheriff require him to nominate a special jury for such trial; and thereupon the sheriff shall, as soon as conveniently may be after the receipt by him of such warrant, summon both the parties to appear before him, by themselves or their attorneys, at some convenient time and place appointed by him for the purpose of nominating a special jury (not being less than five nor more than eight days from the service of such summons); and at the place and time so appointed the sheriff shall proceed to nominate and strike a special jury, in the manner in which such juries shall be required by the laws for the time being in force to be nominated or struck by the proper officers of the superior courts, and the sheriff shall appoint a day, not later than the eighth day after striking of such jury, for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days' notice to the parties; and on the day so appointed the sheriff shall proceed to reduce the said special jury to the number of twenty, in the manner used and accustomed by the proper officers of the superior courts.

LV. The special jury on such inquiry shall consist of twelve of the said twenty who shall first appear on the names being called over, the parties having their lawful challenges against any of the said jurymen; and if a full jury do not appear, or if after such challenges a full jury do not remain, then, upon the application of either party, the sheriff shall add to the list of such jury the names of any other disinterested persons qualified to act as special or common jurymen, who shall not have been previously struck off the aforesaid list, and who may then be attending the court, or can speedily be procured,

so as to complete such jury, all parties having their lawful challenges against such persons; and the sheriff shall proceed to the trial and adjudication of the matters in question by such jury, and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable, as hereinbefore provided in the case of a trial by common jury.

Other inquiries before same special jury by consent.

LVI. Any other inquiry than that for the trial of which such special jury may have been struck and reduced as aforesaid may be tried by such jury, provided the parties thereto respectively shall give their consent to such trial.

Jurymen not to attend more than once a year.

LVII. No juryman shall, without his consent, be summoned or required to attend any such proceeding as aforesaid more than once in any year.

Compensation to absent parties to be determined by a surveyor appointed by two justices.

LVIII. The purchase-money or compensation to be paid for any lands to be purchased or taken by the promoters of the undertaking from any party who, by reason of absence from the kingdom, is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury as hereinbefore provided for, after due notice thereof, and the compensation to be paid for any permanent injury to such lands, shall be such as shall be determined by the valuation of such able practical surveyor as two justices shall nominate for that purpose as hereinafter mentioned.

Two justices to nominate a surveyor.

LIX. Upon application by the promoters of the undertaking to two justices, and upon such proof as shall be satisfactory to them that any such party is, by reason of absence from the kingdom, prevented from treating, or cannot after diligent inquiry be found, or that any such party failed to appear on such inquiry before a jury as aforesaid, after due notice to him for that purpose, such justices shall, by writing under their hands, nominate an able practical surveyor for determining such compensation as aforesaid, and such surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing subscribed by him of the correctness thereof.

LX. Before such surveyor shall enter upon the duty of making such valuation as aforesaid he shall, in the presence of such justices, or one of them, make and subscribe the declaration following at the foot of such nomination ; (that is to say,) Declaration to be made by the surveyor.

' I, A. B. do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, and to the best of my skill and ability, execute the duty of making the valuation hereby referred to me. A. B.

' Made and subscribed in the presence of .'

And if any surveyor shall corruptly make such declaration, or having made such declaration shall wilfully act contrary thereto, he shall be guilty of a misdemeanour.

LXI. The said nomination and declaration shall be annexed to the valuation to be made by such surveyor, and shall be preserved together therewith by the promoters of the undertaking, and they shall at all times produce the said valuation and other documents, on demand, to the owner of the lands comprised in such valuation, and to all other parties interested therein. Valuation, &c., to be produced to the owner of the lands on demand.

LXII. All the expenses of and incident to every such valuation shall be borne by the promoters of the undertaking. Expenses to be borne by promoters.

LXIII. In estimating the purchase-money or compensation to be paid by the promoters of the undertaking, in any of the cases aforesaid, regard shall be had by the justices, arbitrators, or surveyors, as the case may be, not only to the value of the land to be purchased or taken by the promoters of the undertaking, but also to the damage, if any, to be sustained by the owner of the lands by reason of the severing of the lands taken from the other lands of such owner, or otherwise injuriously affecting such other lands by the exercise of the powers of this or the special Act, or any Act incorporated therewith. Purchase-money and compensation, how to be estimated.

LXIV. When the compensation payable in respect of any lands, or any interest therein, shall have been ascertained by the valuation of a surveyor, and deposited in the bank under the provisions herein contained, by reason that the owner of or party entitled to convey such lands, or any interest therein, shall have been determined by a surveyor, the party entitled to compensation to absent party

may have the
same sub-
mitted to
arbitration.

lands or such interest therein as aforesaid could not be found or was absent from the kingdom, if such owner or party shall be dissatisfied with such valuation it shall be lawful for him, before he shall have applied to the Court of Chancery for payment or investment of the money so deposited under the provisions herein contained, by notice in writing to the promoters of the undertaking, to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly, in the same manner as in other cases of disputed compensation hereinbefore authorized or required to be submitted to arbitration.

Question to
be submitted
to the arbit-
rators.

LXV. The question to be submitted to the arbitrators in the case last aforesaid shall be, whether the said sum so deposited as aforesaid by the promoters of the undertaking was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

If further
sum awarded,
promoters to
pay or deposit
same within
14 days.

LXVI. If the arbitrators shall award that a further sum ought to be paid or deposited by the promoters of the undertaking, they shall pay or deposit, as the case may require, such further sum within fourteen days after the making of such award, or in default thereof the same may be enforced by attachment, or recovered with costs by action or suit in any of the superior courts.

Costs of the
arbitration.

LXVII. If the arbitrators shall determine that the sum so deposited was sufficient, the costs of and incident to such arbitration, to be determined by the arbitrators, shall be in the discretion of the arbitrators, but if the arbitrators shall determine that a further sum ought to be paid or deposited by the promoters of the undertaking, all the costs of and incident to the arbitration shall be borne by the promoters of the undertaking.

To be settled
by arbitration
or jury, at
the option of
the party
claiming
compensa-
tion.

LXVIII. If any party shall be entitled to any compensation in respect of any lands, or of any interest therein, which shall have been taken for or injuriously affected by the execution of the works, and for which the promoters of the undertaking shall not have made satisfaction under the provisions of this or the special Act, or any Act incorporated therewith, and if the compensation claimed in such case shall exceed the sum of fifty pounds, such party may have the same settled either by arbitra-

tion or by the verdict of a jury, as he shall think fit; and if such party desire to have the same settled by arbitration, it shall be lawful for him to give notice in writing to the promoters of the undertaking of such his desire, stating in such notice the nature of the interest in such lands in respect of which he claims compensation, and the amount of the compensation so claimed therein; and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and shall enter into a written agreement for that purpose within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided; or if the party so entitled as aforesaid desire to have such question of compensation settled by jury, it shall be lawful for him to give notice in writing of such his desire to the promoters of the undertaking, stating such particulars as aforesaid; and unless the promoters of the undertaking be willing to pay the amount of compensation so claimed, and enter into a written agreement for that purpose, they shall within twenty-one days after the receipt of such notice, issue their warrant to the sheriff to summon a jury for settling the same in the manner herein provided, and in default thereof they shall be liable to pay to the party so entitled as aforesaid the amount of compensation so claimed, and the same may be recovered by him, with costs, by action in any of the superior courts.

And with respect to the purchase-money or compensation coming to parties having limited interests, or prevented from treating, or not making title, be it enacted Application
of Compensation.

LXIX. If the purchase-money or compensation which shall be payable in respect of any lands, or any interest therein, purchased or taken by the promoters of the undertaking from any corporation, tenant for life or in tail, married woman seised in her own right or entitled to dower, guardian, committee of lunatic or idiot, trustee, executor or administrator, or person having a partial or qualified interest only in such lands, and not entitled to sell or convey the same except under the provisions of this or the special Act, or the compensation to be paid for any permanent damage to any such lands, amount to or exceed the sum of two hundred pounds, the same shall

be paid into the bank in the name and with the privity of the Accountant General of the Court of Chancery in *England* if the same relate to lands in *England* or *Wales*, or the Accountant General of the Court of Exchequer in *Ireland* if the same relate to lands in *Ireland*, to be placed to the account there of such Accountant General, *ex parte* the promoters of the undertaking (describing them by their proper name), in the matter of the special Act (citing it), pursuant to the method prescribed by any Act for the time being in force for regulating moneys paid into the said courts; and such moneys shall remain so deposited until the same be applied to some one or more of the following purposes; (that is to say,) .

**Application
of moneys
deposited.**

In the purchase or redemption of the land tax, or the discharge of any debt or incumbrance affecting the land in respect of which such money shall have been paid, or affecting other lands settled therewith to the same or the like uses, trusts, or purposes; or

In the purchase of other lands to be conveyed, limited, and settled upon the like uses, trusts, and purposes, and in the same manner, as the lands in respect of which such money shall have been paid stood settled; or

If such money shall be paid in respect of any buildings taken under the authority of this or the special Act, or injured by the proximity of the works, in removing or replacing such buildings, or substituting others in their stead, in such manner as the Court of Chancery shall direct; or

In payment to any party becoming absolutely entitled to such money.

**Order for
application
and invest-
ment mean-
while.**

LXX. Such money may be so applied as aforesaid upon an order of the Court of Chancery in *England*, or the Court of Exchequer in *Ireland*, made on the petition of the party who would have been entitled to the rents and profits of the lands in respect of which such money shall have been deposited; and until the money can be so applied it may, upon the like order, be invested by the said Accountant General in the purchase of three *per centum* consolidated or three *per centum* reduced bank annuities, or in government or real securities, and the interest, dividends, and annual proceeds thereof paid to

the party who would for the time being have been entitled to the rents and profits of the lands.

LXXI. If such purchase-money or compensation shall not amount to the sum of two hundred pounds, and shall exceed the sum of twenty pounds, the same shall either be paid into the bank, and applied in the manner hereinbefore directed with respect to sums amounting to or exceeding two hundred pounds, or the same may lawfully be paid to two trustees, to be nominated by the parties entitled to the rents or profits of the lands in respect whereof the same shall be payable, such nomination to be signified by writing under the hands of the party so entitled; and in case of the coverture, infancy, lunacy, or other incapacity of the parties entitled to such moneys, such nomination may lawfully be made by their respective husbands, guardians, committees, or trustees; but such last-mentioned application of the moneys shall not be made unless the promoters of the undertaking approve thereof and of the trustees named for the purpose; and the money so paid to such trustees, and the produce arising therefrom, shall be by such trustees applied in the manner hereinbefore directed with respect to money paid into the bank, but it shall not be necessary to obtain any order of the court for that purpose.

LXXII. If such money shall not exceed the sum of twenty pounds, the same shall be paid to the parties entitled to the rents and profits of the lands in respect whereof the same shall be payable, for their own use and benefit, or in case of the coverture, infancy, idiocy, lunacy, or other incapacity of any such parties, then such money shall be paid, for their use, to the respective husbands, guardians, committees, or trustees of such persons.

LXXIII. All sums of money exceeding twenty pounds, which may be payable by the promoters of the undertaking in respect of the taking, using, or interfering with any lands under a contract or agreement with any person who shall not be entitled to dispose of such lands, or of the interest therein contracted to be sold by him, absolutely for his own benefit, shall be paid into the bank or to trustees in manner aforesaid; and it shall not be lawful for any contracting party not entitled as aforesaid to retain to his own use any portion of the sums so

Sums from
20*l.* to 200*l.*
to be depo-
sited or paid
to trustees.

Sums not
exceeding
20*l.* to be
paid to par-
ties.

All sums
payable
under con-
tract with
persons not
absolutely
entitled, to
be paid into
bank.

agreed or contracted to be paid for or in respect of the taking, using, or interfering with any such lands, or in lieu of bridges, tunnels, or other accommodation works, or for assenting to or not opposing the passing of the bill authorizing the taking of such lands, but all such monies shall be deemed to have been contracted to be paid for and on account of the several parties interested in such lands, as well in possession as in remainder, reversion, or expectancy : Provided always, that it shall be in the discretion of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, or the said trustees, as the case may be, to allot to any tenant for life, or for any other partial or qualified estate, for his own use, a portion of the sum so paid into the bank, or to such trustees as aforesaid, as compensation for any injury, inconvenience, or annoyance which he may be considered to sustain, independently of the actual value of the lands to be taken, and of the damage occasioned to the lands held therewith, by reason of the taking of such lands and the making of the works.

Court of
Chancery
may direct
application
of money in
respect of
leases or
reversions as
they may
think just.

LXXIV. Where any purchase-money or compensation paid into the bank under the provisions of this or the special Act shall have been paid in respect of any lease for a life or lives or years, or for a life or lives and years, or any estate in lands less than the whole fee simple thereof, or of any reversion dependent on any such lease or estate, it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, on the petition of any party interested in such money, to order that the same shall be laid out, invested, accumulated, and paid in such manner as the said court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate or reversion in respect of which such money shall have been paid, or as near thereto as may be.

Upon deposit
being made,
the owners
of the lands
to convey, or
in default
the lands to
vest in the
promoters of

LXXV. Upon deposit in the bank in manner herein-before provided of the purchase-money or compensation agreed or awarded to be paid in respect of any lands purchased or taken by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, the owner of such lands, including in such term all parties by this Act enabled to

sell or convey lands, shall, when required so to do by the promoters of the undertaking, duly convey such lands to the promoters of the undertaking, or as they shall direct; and in default thereof, or if he fail to adduce a good title to such lands to their satisfaction, it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll under their common seal if they be a corporation, or if they be not a corporation under the hands and seals of the promoters, or any two of them, containing a description of the lands in respect of which such default shall be made, and reciting the purchase or taking thereof by the promoters of the undertaking, and the names of the parties from whom the same were purchased or taken, and the deposit made in respect thereof, and declaring the fact of such default having been made, and such deed poll shall be stamped with the stamp duty which would have been payable upon a conveyance to the promoters or the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of or capable of being sold and conveyed by the party between whom and the promoters of the undertaking such agreement shall have been come to, or as between whom and the promoters of the undertaking such purchase-money or compensation shall have been determined by a jury, or by arbitrators, or by a surveyor appointed by two justices as herein provided, and shall have been deposited as aforesaid, shall vest absolutely in the promoters of the undertaking, and as against such parties, and all parties on behalf of whom they are hereinbefore enabled to sell and convey, the promoters of the undertaking shall be entitled to immediate possession of such lands.

LXXVI. If the owner of any such lands purchased or taken by the promoters of the undertaking, or of any interest therein, on tender of the purchase-money or compensation either agreed or awarded to be paid in respect thereof, refuse to accept the same, or neglect or fail to make out a title to such lands, or to the interest therein claimed by him, to the satisfaction of the promoters of the undertaking, or if he refuse to convey or release such lands as directed by the promoters of the undertaking, or if any such owner be absent from the kingdom, or cannot after diligent inquiry be found, or fail to appear on the inquiry before a jury, as herein provided for, it shall be lawful for the promoters of the under-

Where parties refuse to convey, or do not show title, or cannot be found, the purchase-money to be deposited.

taking to deposit the purchase-money or compensation payable in respect of such lands, or any interest therein, in the bank, in the name and with the privity of the accountant general of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to be placed, except in the cases herein otherwise provided for, to his account there, to the credit of the parties interested in such lands (describing them so far as the promoters of the undertaking can do), subject to the control and disposition of the said court.

Upon deposit being made a receipt to be given, and the lands to vest upon a deed poll being executed.

LXXVII. Upon any such deposit of money as last aforesaid being made the cashier of the bank shall give to the promoters of the undertaking, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what and for whose use (described as aforesaid) the same shall have been received, and in respect of what purchase the same shall have been paid in; and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll under their common seal if they be a corporation, or if they be not a corporation under the hands and seals of the said promoters, or any two of them, containing a description of the lands in respect whereof such deposit shall have been made, and declaring the circumstances under which and the names of the parties to whose credit such deposit shall have been made, and such deed poll shall be stamped with the stamp-duty which would have been payable upon a conveyance to the promoters of the undertaking of the lands described therein; and thereupon all the estate and interest in such lands of the parties for whose use and in respect whereof such purchase-money or compensation shall have been deposited shall vest absolutely in the promoters of the undertaking, and as against such parties they shall be entitled to immediate possession of such lands.

Application
of moneys so
deposited.

LXXVIII. Upon the application by petition of any party making claim to the money so deposited as last aforesaid, or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the said Court of Chancery in *England* or the Court of Exchequer in *Ireland* may, in a summary way, as to such court shall seem fit, order such money to be laid out or invested in the public funds, or may order distribu-

tion thereof, or payment of the dividends thereof, according to the respective estates, titles, or interests of the parties making claim to such money or lands, or any part thereof, and may make such other order in the premises as to such court shall seem fit.

LXXIX. If any question arise respecting the title to the lands in respect whereof such moneys shall have been so paid or deposited as aforesaid, the parties respectively in possession of such lands, as being the owners thereof, or in receipt of the rents of such lands as being entitled thereto at the time of such lands being purchased or taken, shall be deemed to have been lawfully entitled to such lands, until the contrary be shown to the satisfaction of the court; and unless the contrary be shown as aforesaid, the parties so in possession, and all parties claiming under them, or consistently with their possession, shall be deemed entitled to the money so deposited, and to dividends or interest of the annuities or securities purchased therewith, and the same shall be paid and applied accordingly.

Party in possession to be deemed the owner.

LXXX. In all cases of moneys deposited in the bank under the provisions of this or the special Act, or an Act incorporated therewith, except where such moneys shall have been so deposited by reason of the wilful refusal of any party entitled thereto to receive the same, or to convey or release the lands in respect whereof the same shall be payable, or by reason of the wilful neglect of any party to make out a good title to the land required, it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland* to order the costs of the following matters, including therein all reasonable charges and expenses incident thereto, to be paid by the promoters of the undertaking; (that is to say,) the costs of the purchase or taking of the lands, or which shall have been incurred in consequence thereof, other than such costs as are herein otherwise provided for, and the costs of the investment of such moneys in Government or real securities, and of the reinvestment thereof in the purchase of other lands, and also the costs of obtaining the proper orders for any of the purposes aforesaid, and of the orders for the payment of the dividends and interest of the securities upon which such moneys shall be invested, and for the payment out of

Costs in cases of money deposited.

court of the principal of such moneys, or of the securities whereon the same shall be invested, and of all proceedings relating thereto, except such as are occasioned by litigation between adverse claimants: provided always, that the costs of one application only for reinvestment in land shall be allowed, unless it shall appear to the Court of Chancery in *England* or the Court of Exchequer in *Ireland* that it is for the benefit of the parties interested in the said moneys that the same should be invested in the purchase of lands, in different sums and at different times, in which case it shall be lawful for the court, if it think fit, to order the costs of any such investments to be paid by the promoters of the undertaking.

Conveyances. And with respect to the conveyances of lands, be it enacted as follows:

Form of conveyances.

LXXXI. Conveyances of lands to be purchased under the provisions of this or the special Act, or any Act incorporated therewith, may be according to the forms in the schedules (A.) and (B.) respectively to this Act annexed, or as near thereto as the circumstances of the case will admit, or by deed in any other form which the promoters of the undertaking may think fit; and all conveyances made according to the forms in the said schedules or as near thereto as the circumstances of the case will admit shall be effectual to vest the lands thereby conveyed in the promoters of the undertaking, and shall operate to merge all terms of years attendant by express declaration, or by construction of law, on the estate or interest so thereby conveyed, and to bar and to destroy all such estates tail, and all other estates, rites, titles, remainders, reversions, limitations, trusts, and interests whatsoever, of and in the lands comprised in such conveyances which shall have been purchased or compensated for by the consideration therein mentioned; but although terms of years be thereby merged, they shall in equity afford the same protection as if they had been kept on foot, and assigned to a trustee for the promoters of the undertaking to attend the reversion and inheritance.

Costs of conveyances.

LXXXII. The costs of all such conveyances shall be borne by the promoters of the undertaking, and such costs shall include all charges and expenses incurred, on the part as well of the seller as of the purchaser, of all

conveyances and assurances of any such lands, and of any outstanding terms or interests therein, and of deducing, evidencing, and verifying the title to such lands, terms, or interests, and of making out and furnishing such abstracts and attested copies as the promoters of the undertaking may require, and all other reasonable expenses incident to the investigation, deduction, and verification of such title.

LXXXIII. If the promoters of the undertaking and the party entitled to any such costs shall not agree as to the amount thereof, such costs shall be taxed by one of the taxing masters of the Court of Chancery, or by a master in chancery in *Ireland*, upon an order of the same court, to be obtained upon petition in a summary way by either of the parties; and the promoters of the undertaking shall pay what the said master shall certify to be due in respect of such costs to the party entitled thereto, or in default thereof the same may be recovered in the same way as any other costs payable under an order of the said court, or the same may be recovered by distress in the manner hereinbefore provided in other cases of costs; and the expense of taxing such costs shall be borne by the promoters of the undertaking, unless upon such taxation one-sixth part of the amount of such costs shall be disallowed, in which case the costs of such taxation shall be borne by the party whose costs shall be so taxed, and the amount thereof shall be ascertained by the said master, and deducted by him accordingly in his certificate of such taxation.

Taxation of
costs of con-
veyances.

And with respect to the entry upon lands by the promoters of the undertaking, be it enacted as follows:

Entry on
Lands.

LXXXIV. The promoters of the undertaking shall not, except by consent of the owners and occupiers, enter upon any lands which shall be required to be purchased or permanently used for the purposes and under the powers of this or the special Act, until they shall either have paid to every party having any interest in such lands, or deposited in the bank, in the manner herein mentioned, the purchase-money or compensation agreed or awarded to be paid to such parties respectively for their respective interests therein: Provided always, that for the purpose merely of surveying and taking levels of

Payment of
price to be
made pre-
vious to
entry, except
to survey,
&c.

such lands, and of probing or boring to ascertain the nature of the soil, and of setting out the line of the works, it shall be lawful for the promoters of the undertaking, after giving not less than three nor more than fourteen days' notice to the owners or occupiers thereof, to enter upon such lands without previous consent, making compensation for any damage thereby occasioned to the owners or occupiers thereof.

Promoters to
be allowed
to enter on
lands before
purchase, on
making de-
posit by way
of security
and giving
bond.

LXXXV. Provided also, that if the promoters of the undertaking shall be desirous of entering upon and using any such lands before an agreement shall have been come to or an award made, or verdict given for the purchase-money or compensation to be paid by them in respect of such land, it shall be lawful for the promoters of the undertaking to deposit in the bank by way of security, as hereinafter mentioned, either the amount of purchase-money or compensation claimed by any party interested in or entitled to sell and convey such lands, and who shall not consent to such entry, or such a sum as shall, by a surveyor appointed by two justices in the manner hereinbefore provided in the case of parties who cannot be found, be determined to be the value of such lands, or of the interest therein which such party is entitled to or enabled to sell and convey, and also to give to such party a bond, under the common seal of the promoters if they be a corporation, or if they be not a corporation, under the hands and seals of the said promoters, or any two of them, with two sufficient sureties to be approved of by two justices in case the parties differ, in a penal sum equal to the sum so to be deposited, conditioned for payment to such party or for deposit in the bank for the benefit of the parties interested in such lands, as the case may require, under the provisions herein contained, of all such purchase-money or compensation, as may in manner hereinbefore provided be determined to be payable by the promoters of the undertaking, in respect of the lands so entered upon, together with interest thereon, at the rate of five pounds *per centum per annum*, from the time of entering on such lands, until such purchase-money or compensation shall be paid to such party, or deposited in the bank for the benefit of the parties interested in such lands, under the provisions herein contained; and upon such deposit by way of security being made as aforesaid, and such bond

being delivered or tendered to such non-consenting party as aforesaid, it shall be lawful for the promoters of the undertaking to enter upon and use such lands, without having first paid or deposited the purchase-money or compensation in other cases required to be paid or deposited by them before entering upon any lands to be taken by them under the provisions of this or the special Act.

LXXXVI. The money so to be deposited as last aforesaid shall be paid into the bank in the name and with the privity of the Accountant-General of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to be placed to his account there to the credit of the parties interested in or entitled to sell and convey the lands so to be entered upon, and who shall not have consented to such entry, subject to the control and disposition of the said court; and upon such deposit being made, the cashier of the bank shall give to the promoters of the undertaking, or to the party paying in such money by their direction, a receipt for such money, specifying therein for what purpose and to whose credit the same shall have been paid in.

Upon deposit
being made,
cashier to
give receipt.

LXXXVII. The money so deposited as last aforesaid shall remain in the bank, by way of security to the parties whose lands shall so have been entered upon for the performance of the condition of the bond to be given by the promoters of the undertaking, as hereinbefore mentioned, and the same may, on the application by petition of the promoters of the undertaking, be ordered to be invested in bank annuities or government securities, and accumulated; and upon the condition of such bond being fully performed it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, upon a like application, to order the money so deposited, or the funds in which the same shall have been invested, together with the accumulation thereof, to be repaid or transferred to the promoters of the undertaking, or if such condition shall not be fully performed, it shall be lawful for the said court to order the same to be applied in such manner as it shall think fit for the benefit of the parties for whose security the same shall so have been deposited.

Deposit to
remain as a
security, and
to be applied
under the
direction of
the court.

The company may pay the deposit money into the bank by way of security during the time that the office of the accountant-general is closed.

LXXXVIII. If at any time the company be unable, by reason of the closing of the office of the Accountant-General of the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, to obtain his authority in respect of the payment of any sum of money so authorized to be deposited in the bank by way of security as aforesaid, it shall be lawful for the company to pay into the bank to the credit of such party or matter as the case may require (subject nevertheless to being dealt with as hereinafter provided, and not otherwise), such sum of money as the promoters of the undertaking shall, by some writing signed by their secretary or solicitors for the time being, addressed to the governor and company of the bank in that behalf, request, and upon any such payment being made the cashier of the bank shall give a certificate thereof; and in every such case, within ten days after the re-opening of the said Accountant-General's office, the solicitor for the promoters of the undertaking shall there bespeak the direction for the payment of such sum into the name of the Accountant-General, and upon production of such direction at the Bank of *England* the money so previously paid in shall be placed to the credit of the said Accountant-General accordingly, and the receipt for the said payment be given to the party making the same in the usual way for the purpose of being filed at the Report Office.

Penalty on the promoters of the undertaking entering upon lands without consent before payment of the purchase-money.

LXXXIX. If the promoters of the undertaking or any of their contractors shall, except as aforesaid, wilfully enter upon and take possession of any lands which shall be required to be purchased or permanently used for the purposes of the special Act, without such consent as aforesaid, or without having made such payment for the benefit of the parties interested in the lands, or such deposit by way of security as aforesaid, the promoters of the undertaking shall forfeit to the party in possession of such lands the sum of ten pounds, over and above the amount of any damage done to such lands by reason of such entry and taking possession as aforesaid, such penalty and damage respectively to be recovered before two justices; and if the promoters of the undertaking or their contractors shall, after conviction in such penalty as aforesaid, continue in unlawful possession of any such lands, the promoters of the undertaking shall be liable to forfeit the sum of twenty-five pounds for every day

they or their contractors shall so remain in possession as aforesaid, such penalty to be recoverable by the party in possession of such lands, with costs, by action in any of the superior courts : Provided always, that nothing herein contained shall be held to subject the promoters of the undertaking to the payment of any such penalties as aforesaid, if they shall *bonâ fide* and without collusion have paid the compensation agreed or awarded to be paid in respect of the said lands to any person whom the promoters of the undertaking may have reasonably believed to be entitled thereto, or shall have deposited the same in the bank for the benefit of the parties interested in the lands, or made such deposit by way of security in respect thereof as hereinbefore mentioned, although such person may not have been legally entitled thereto.

XC. On the trial of any action for any such penalty Decision of Justices not conclusive as to the right of the promoters. as aforesaid the decision of the justices under the provision hereinbefore contained shall not be held conclusive as to the right of entry on any such lands by the promoters of the undertaking.

XCI. If in any case in which, according to the provisions of this or the special Act, or any Act incorporated therewith, the promoters of the undertaking are authorized to enter upon and take possession of any lands required for the purposes of the undertaking, the owner or occupier of any such lands or any other person refuse to give up the possession thereof, or hinder the promoters of the undertaking from entering upon or taking possession of the same, it shall be lawful for the promoters of the undertaking to issue their warrant to the sheriff to deliver possession of the same to the person appointed in such warrant to receive the same, and upon the receipt of such warrant the sheriff shall deliver possession of any such lands accordingly, and the costs accruing by reason of the issuing and execution of such warrant, to be settled by the sheriff, shall be paid by the person refusing to give possession, and the amount of such costs shall be deducted and retained by the promoters of the undertaking from the compensation, if any, then payable by them to such party, or if no such compensation be payable to such party, or if the same be less than the amount of such costs, then such costs, or the excess thereof beyond such compensation, if not paid on demand, shall be levied by Proceedings in case of refusal to deliver possession of lands.

distress, and upon any application to any justice for that purpose he shall issue his warrant accordingly.

Parties not to be required to sell part of a house.

XCII. And be it enacted, That no party shall at any time be required to sell or convey to the promoters of the undertaking a part only of any house or other building or manufactory, if such party be willing and able to sell and convey the whole thereof.

Intersected Lands.

And with respect to small portions of intersected land, be it enacted as follows :

Owners of intersected lands may insist on sale.

XCIII. If any lands not being situate in a town or built upon shall be so cut through and divided by the works as to leave, either on both sides or on one side thereof, a less quantity of land than half a statute acre, and if the owner of such small parcel of land require the promoters of the undertaking to purchase the same along with the other land required for the purposes of the special Act, the promoters of the undertaking shall purchase the same accordingly, unless the owner thereof have other land adjoining to that so left into which the same can be thrown, so as to be conveniently occupied therewith ; and if such owner have any other land so adjoining, the promoters of the undertaking shall, if so required by the owner, at their own expense, throw the piece of land so left into such adjoining land, by removing the fences and levelling the sites thereof, and by soiling the same in a sufficient and workmanlike manner.

Promoters of the undertaking may insist on purchase where expense of bridges, &c. exceeds the value.

XCIV. If any such land shall be so cut through and divided as to leave on either side of the works a piece of land of less extent than half a statute acre, or of less value than the expense of making a bridge, culvert, or such other communication between the land so divided as the promoters of the undertaking are, under the provisions of this or the special Act, or any Act incorporated therewith compellable to make, and if the owner of such lands have not other lands adjoining such piece of land, and require the promoters of the undertaking to make such communication, then the promoters of the undertaking may require such owner to sell to them such piece of land, and any dispute as to the

value of such piece of land, or as to what would be the expense of making such communication, shall be ascertained as herein provided for cases of disputed compensation ; and on the occasion of ascertaining the value of the land required to be taken for the purposes of the works, the jury or the arbitrators, as the case may be, shall, if required by either party, ascertain by their verdict or award the value of any such severed piece of land, and also what would be the expense of making such communication.

And with respect to copyhold lands, be it enacted as follows : *Copyholds.*

XCV. Every conveyance to the promoters of the undertaking, of any lands which shall be of copyhold or customary tenure, or of the nature thereof, shall be entered on the rolls of the manor of which the same shall be held or parcel ; and on payment to the steward of such manor of such fees as would be due to him on the surrender of the same lands to the use of a purchaser thereof he shall make such enrolment ; and every such conveyance, when so enrolled, shall have the like effect, in respect of such copyhold or customary lands, as if the same had been of freehold tenure, nevertheless, until such lands shall have been enfranchised by virtue of the powers hereinafter contained, they shall continue subject to the same fines, rents, heriots, and services as were theretofore payable and of right accustomed. Conveyance
of copyhold
lands to be
enrolled. .

XCVI. Within three months after the enrolment of the conveyance of any such copyhold or customary lands, or within one month after the promoters of the undertaking shall enter upon and make use of the same for the purposes of the works, whichever shall first happen, or if more than one parcel of such lands holden of the same manor shall have been taken by them, then within one month after the last of such parcels shall have been so taken or entered on by them, the promoters of the undertaking shall procure the whole of the lands holden of such manor so taken by them to be enfranchised, and for that purpose shall apply to the lord of the manor whereof such lands are holden to enfranchise the same, and shall pay to him such compensation in respect thereof as shall be agreed upon between

them and him, and if the parties fail to agree respecting the amount of the compensation to be paid for such enfranchisement the same shall be determined as in other cases of disputed compensation; and in estimating such compensation the loss in respect of the fines, heriots, and other services payable on death, descent, or alienation, or any other matters which would be lost by the vesting of such copyhold or customary lands in the promoters of the undertaking, or by the enfranchisement of the same, shall be allowed for.

Lord of the manor to enfranchise on payment of compensation.

XCVII. Upon payment or tender of the compensation so agreed upon or determined, or on deposit thereof in the bank in any of the cases hereinbefore in that behalf provided, the lord of the manor whereof such copyhold or customary lands shall be holden shall enfranchise such lands, and the lands so enfranchised shall for ever thereafter be held in free and common soccage; and in default of such enfranchisement by the lord of the manor, or if he fail to adduce a good title thereto to the satisfaction of the promoters of the undertaking, it shall be lawful for them, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon the lands in respect of the enfranchisement whereof such compensation shall have been deposited as aforesaid shall be deemed to be enfranchised, and shall be for ever thereafter held in free and common soccage.

Apportionment of copyhold rents.

XCVIII. If any such copyhold or customary lands be subject to any customary or other rent, and part only of the land subject to any such rent be required to be taken for the purposes of the special Act, the apportionment of such rent may be settled by agreement between the owner of the lands and the lord of the manor on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement, then the same shall be settled by two justices; and the enfranchisement of any copyhold or customary lands taken by virtue of this or the special Act, or the apportionment of such rents, shall not affect in other respects any custom by or under which any such copyhold or customary lands not taken for such purposes shall be held; and if any of the lands so re-

quired be released from any portion of the rents to which they were subject jointly with any other lands, such last-mentioned lands shall be charged with the remainder only of such rents; and with reference to any such apportioned rents, the lord of the manor shall have all the same rights and remedies over the lands to which such apportioned rent shall have been assigned or attributed as he had previously over the whole of the lands subject to such rents for the whole of such rents.

And with respect to any such lands being common or waste lands, be it enacted as follows :

*Common
Lands.*

XCIX. The compensation in respect of the right in the soil of any lands subject to any rights of common shall be paid to the lord of the manor, in case he shall be entitled to the same, or to such party, other than the commoners, as shall be entitled to such right in the soil; and the compensation in respect of all other commonable and other rights in or over such lands, including therein any commonable or other rights to which the lord of the manor may be entitled, other than his right in the soil of such lands, shall be determined and paid and applied in manner hereinafter provided with respect to common lands the right in the soil of which shall belong to the commoners; and upon payment or deposit in the bank of the compensation so determined all such commonable and other rights shall cease and be extinguished.

Compensa-
tion for com-
mon lands,
where held
of a manor,
&c. how to
be paid.

C. Upon payment or tender to the lord of the manor, or such other party as aforesaid, of the compensation which shall have been agreed upon or determined in respect of the right in the soil of any such lands, or on deposit thereof in the bank in any of the cases hereinbefore in that behalf provided, such lord of the manor, or such other party as aforesaid, shall convey such lands to the promoters of the undertaking, and such conveyance shall have the effect of vesting such lands in the promoters of the undertaking, in like manner as if such lord of the manor, or such other party as aforesaid, had been seized in fee simple of such lands at the time of executing such conveyance; and in default of such conveyance it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon the

Lord of the
manor, &c.
to convey to
the promoters
of the under-
taking, on
receiving
compensation
for his in-
terest.

lands in respect whereof such last-mentioned compensation shall have been deposited as aforesaid shall vest absolutely in the promoters of the undertaking, and they shall be entitled to immediate possession thereof, subject nevertheless to the commonable and other rights theretofore affecting the same, until such rights shall have been extinguished by payment or deposit of the compensation for the same in manner hereinafter provided.

Compensation for common lands where not held of a manor how to be ascertained.

CI. The compensation to be paid with respect to any such lands, being common lands, or in the nature thereof, the right to the soil of which shall belong to the commoners, as well as the compensation to be paid for the commonable and other rights in or over common lands the right in the soil whereof shall not belong to the commoners, other than the compensation to the lord of the manor, or other party entitled to the soil thereof, in respect of his right in the soil thereof, shall be determined by agreement between the promoters of the undertaking and a committee of the parties entitled to commonable or other rights in such lands, to be appointed as next hereinafter mentioned.

A meeting of the parties interested to be convened.

CII. It shall be lawful for the promoters of the undertaking to convene a meeting of the parties entitled to commonable or other rights over or in such lands to be held at some convenient place in the neighbourhood of the lands, for the purpose of their appointing a committee to treat with the promoters of the undertaking for the compensation to be paid for the extinction of such commonable or other rights; and every such meeting shall be called by public advertisement, to be inserted once at least in two consecutive weeks in some newspaper circulating in the county or in the respective counties and in the neighbourhood in which such lands shall be situate, the last of such insertions being not more than fourteen nor less than seven days prior to any such meeting; and notice of such meeting shall also, not less than seven days previous to the holding thereof, be affixed upon the door of the parish church where such meeting is intended to be held, or if there be no such church, some other place in the neighbourhood to which notices are usually affixed; and if such lands be parcel or holden of a manor, a like notice shall be given to the lord of such manor.

CIII. It shall be lawful for the meeting so called to Meeting to appoint a committee, not exceeding five in number, of appoint a committee. the parties entitled to any such rights; and at such meeting the decision of the majority of the persons entitled to commonable rights present shall bind the minority and all absent parties.

CIV. It shall be lawful for the committee so chosen Committee to to enter into an agreement with the promoters of the agree with the promoters undertaking for the compensation to be paid for the of the under-extinction of such commonable and other rights, and all taking. matters relating thereto, for and on behalf of themselves and all other parties interested therein; and all such parties shall be bound by such agreement; and it shall be lawful for such committee to receive the compensation so agreed to be paid, and the receipt of such committee, or of any three of them, for such compensation, shall be an effectual discharge for the same; and such compensation, when received, shall be apportioned by the committee among the several persons interested therein, according to their respective interests, but the promoters of the undertaking shall not be bound to see to the apportionment or to the application of such compensation, nor shall they be liable for the misapplication or non-application thereof.

CV. If upon such committee being appointed they Disputes to shall fail to agree with the promoters of the undertaking be settled as in other cases. as to the amount of the compensation to be paid as aforesaid, the same shall be determined as in other cases of disputed compensation.

CVI. If upon being duly convened by the promoters If no com- of the undertaking, no effectual meeting of the parties mittee be entitled to such commonable or other rights shall take appointed, the amount place, or if, taking place, such meeting fail to appoint to be deter- such committee, the amount of such compensation shall mined by a be determined by a surveyor, to be appointed by two surveyor. justices, as hereinbefore provided in the case of parties who cannot be found.

CVII. Upon payment or tender to such committee, Upon pay- or any three of them, or if there shall be no such com- ment of com- mittee then upon deposit in the bank in the manner pro- pensation vided in the like case of the compensation which shall payable to have been agreed upon or determined in respect of such commoners the lands to vest.

commonable or other rights, it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon the lands in respect of which such compensation shall have been so paid or deposited shall vest in the promoters of the undertaking, freed and discharged from all such commonable or other rights, and they shall be entitled to immediate possession thereof; and it shall be lawful for the Court of Chancery in *England* or the Court of Exchequer in *Ireland*, by an order to be made upon petition, to order payment of the money so deposited to a committee to be appointed as aforesaid, or to make such other order in respect thereto, for the benefit of the parties interested, as it shall think fit.

*Lands in
Mortgage.*

And with respect to lands subject to mortgage, be it enacted as follows :

Power to
redeem mort-
gages.

CVIII. It shall be lawful for the promoters of the undertaking to purchase or redeem the interest of the mortgagee of any such lands which may be required for the purposes of the special Act, and that whether they shall have previously purchased the equity of redemption of such lands or not, and whether the mortgagee thereof be entitled thereto in his own right or in trust for any other party, and whether he be in possession of such lands by virtue of such mortgage or not, and whether such mortgage affect such lands solely, or jointly with any other lands not required for the purposes of the special Act, and in order thereto the promoters of the undertaking may pay or tender to such mortgagee the principal and interest due on such mortgage, together with his costs and charges, if any, and also six months additional interest, and thereupon such mortgagee shall immediately convey his interest in the lands comprised in such mortgage to the promoters of the undertaking, or as they shall direct, or the promoters of the undertaking may give notice in writing to such mortgagee that they will pay off the principal and interest due on such mortgage at the end of six months, computed from the day of giving such notice; and if they shall have given any such notice, or if the party entitled to the equity of redemption of any such lands shall have given six months notice of his intention to redeem the same, then at the

expiration of either of such notices, or at any intermediate period, upon payment or tender by the promoters of the undertaking to the mortgagee of the principal money due on such mortgage, and the interest which would become due at the end of six months from the time of giving either of such notices, together with his costs and expenses, if any, such mortgagee shall convey or release his interest in the lands comprised in such mortgage to the promoters of the undertaking, or as they shall direct.

CIX. If, in either of the cases aforesaid, upon such payment or tender, any mortgagee shall fail to convey or release his interest in such mortgage as directed by the promoters of the undertaking, or if he fail to adduce a good title thereto to their satisfaction, then it shall be lawful for the promoters of the undertaking to deposit in the bank, in the manner provided by this Act in like cases, the principal and interest, together with the costs, if any, due on such mortgage, and also, if such payment be made before the expiration of six months' notice as aforesaid, such further interest as would at that time become due; and it shall be lawful for them, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them; and thereupon, as well as upon such conveyance by the mortgagee, if any such be made, all the estate and interest of such mortgagee, and of all persons in trust for him, or for whom he may be a trustee, in such lands, shall vest in the promoters of the undertaking, and they shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession.

CX. If any such mortgaged lands shall be of less value than the principal, interest, and costs secured thereon, the value of such lands, or the compensation to be made by the promoters of the undertaking in respect thereof, shall be settled by agreement between the mortgagee of such lands and the party entitled to the equity of redemption thereof on the one part, and the promoters of the undertaking on the other part, and if the parties aforesaid fail to agree respecting the amount of such value or compensation, the same shall be determined as in other cases of disputed compensation; and the amount of such value or compensation, being so agreed upon or determined,

shall be paid by the promoters of the undertaking to the mortgagee in satisfaction of his mortgage debt so far as the same will extend, and upon payment or tender thereof the mortgagee shall convey or release all his interest in such mortgaged lands to the promoters of the undertaking, or as they shall direct.

Deposit of
money when
refused on
tender.

CXI. If, upon such payment or tender as aforesaid being made, any such mortgagee fail so to convey his interest in such mortgage, or to adduce a good title thereto to the satisfaction of the promoters of the undertaking, it shall be lawful for them to deposit the amount of such value or compensation in the bank, in the manner provided by this Act in like cases, and every such payment or deposit shall be accepted by the mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of such mortgaged lands from all money due thereon; and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them; and thereupon such lands, as to all such estate and interest as were then vested in the mortgagee, or any person in trust for him, shall become absolutely vested in the promoters of the undertaking, and they shall be entitled to immediate possession thereof in case such mortgagee were himself entitled to such possession; nevertheless, all rights and remedies possessed by the mortgagee against the mortgagor, by virtue of any bond or covenant or other obligation, other than the right to such lands, shall remain in force in respect of so much of the mortgage debt as shall not have been satisfied by such payment or deposit.

Sum to be
paid where
part only of
mortgaged
lands taken.

CXII. If a part only of any such mortgaged lands be required for the purposes of the special Act, and if the part so required be of less value than the principal money, interest, and costs secured on such lands, and the mortgagee shall not consider the remaining part of such lands a sufficient security for the money charged thereon, or be not willing to release the part so required, then the value of such part, and also the compensation (if any) to be paid in respect of the severance thereof or otherwise, shall be settled by agreement between the mortgagee and the party entitled to the equity of redemption of such

land on the one part, and the promoters of the undertaking on the other, and if the parties aforesaid fail to agree respecting the amount of such value or compensation the same shall be determined as in other cases of disputed compensation; and the amount of such value or compensation, being so agreed upon or determined, shall be paid by the promoters of the undertaking to such mortgagee in satisfaction of his mortgage debt, so far as the same will extend; and thereupon such mortgagee shall convey or release to them, or as they shall direct, all his interest in such mortgaged lands the value whereof shall have been so paid; and a memorandum of what shall have been so paid shall be endorsed on the deed creating such mortgage, and shall be signed by the mortgagee; and a copy of such memorandum shall at the same time (if required) be furnished by the promoters of the undertaking, at their expense, to the party entitled to the equity of redemption of the lands comprised in such mortgage deed.

CXIII. If, upon payment or tender to any such mortgagee of the amount of the value or compensation so agreed upon or determined, such mortgagee shall fail to convey or release to the promoters of the undertaking, or as they shall direct, his interest in the lands in respect of which such compensation shall so have been paid or tendered, or if he shall fail to adduce a good title thereto to the satisfaction of the promoters of the undertaking, it shall be lawful for the promoters of the undertaking to pay the amount of such value or compensation into the bank, in the manner provided by this Act in the case of moneys required to be deposited in such bank, and such payment or deposit shall be accepted by such mortgagee in satisfaction of his mortgage debt, so far as the same will extend, and shall be a full discharge of the portion of the mortgaged lands so required from all money due thereon; and it shall be lawful for the promoters of the undertaking, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them; and thereupon such lands shall become absolutely vested in the promoters of the undertaking, as to all such estate and interest as were then vested in the mortgagee, or any person in trust for him, and in case such mortgagee were himself entitled to such possession they shall be entitled

Deposit of
money when
refused on
tender.

to immediate possession thereof; nevertheless, every such mortgagee shall have the same powers and remedies for recovering or compelling payment of the mortgage money, or the residue thereof (as the case may be), and the interest thereof respectively, upon and out of the residue of such mortgaged lands, or the portion thereof not required for the purposes of the special Act, as he would otherwise have had or been entitled to for recovering or compelling payment thereof upon or out of the whole of the lands originally comprised in such mortgage.

Compensation to be made in certain cases if mortgage paid off before the stipulated time.

CXIV. Provided always, That in any of the cases hereinbefore provided with respect to lands subject to mortgage, if in the mortgage deed a time shall have been limited for payment of the principal money thereby secured, and under the provisions hereinbefore contained the mortgagee shall have been required to accept payment of his mortgage money, or of part thereof, at a time earlier than the time so limited, the promoters of the undertaking shall pay to such mortgagee, in addition to the sum which shall have been so paid off, all such costs and expenses as shall be incurred by such mortgagee in respect of or which shall be incidental to the re-investment of the sum so paid off, such costs in case of difference to be taxed and payment thereof enforced in the manner herein provided with respect to the costs of conveyances; and if the rate of interest secured by such mortgage be higher than at the time of the same being so paid off can reasonably be expected to be obtained on re-investing the same, regard being had to the then current rate of interest, such mortgagee shall be entitled to receive from the promoters of the undertaking, in addition to the principal and interest hereinbefore provided for, compensation in respect of the loss to be sustained by him by reason of his mortgage money being so prematurely paid off, the amount of such compensation to be ascertained, in case of difference, as in other cases of disputed compensation; and until payment or tender of such compensation as aforesaid the promoters of the undertaking shall not be entitled, as against such mortgagee, to possession of the mortgaged lands under the provision hereinbefore contained.

Rent-charges.

And with respect to lands charged with any rent service, rent-charge, or chief or other rent, or other



payment or incumbrance not hereinbefore provided for,
be it enacted as follows :

CXV. If any difference shall arise between the promoters of the undertaking and the party entitled to any such charge upon any lands required to be taken for the purposes of the special Act, respecting the consideration to be paid for the release of such lands therefrom, or from the portion thereof affecting the lands required for the purposes of the special Act, the same shall be determined as in other cases of disputed compensation.

Release of
lands from
rent-charges.

CXVI. If part only of the lands charged with any such rent service, rent charge, chief or other rent, payment, or incumbrance, be required to be taken for the purposes of the special Act, the apportionment of any such charge may be settled by agreement between the party entitled to such charge and the owner of the lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement the same shall be settled by two justices; but if the remaining part of the lands so jointly subject be a sufficient security for such charge, then, with consent of the owner of the lands so jointly subject, it shall be lawful for the party entitled to such charge to release therefrom the lands required, on condition or in consideration of such other lands remaining exclusively subject to the whole thereof.

Release of
part of lands
from charge.

CXVII. Upon payment or tender of the compensation so agreed upon or determined to the party entitled to any such charge as aforesaid, such party shall execute to the promoters of the undertaking a release of such charge; and if he fail so to do, or if he fail to adduce good title to such charge, to the satisfaction of the promoters of the undertaking, it shall be lawful for them to deposit the amount of such compensation in the bank in the manner hereinbefore provided in like cases, and also, if they think fit, to execute a deed poll, duly stamped, in the manner hereinbefore provided in the case of the purchase of lands by them, and thereupon the rent service, rent-charge, chief or other rent, payment or incumbrance, or the portion thereof in respect whereof such compensation shall so have been paid, shall cease and be extinguished.

Deposit in
case of
refusal to
release.

Charge to
continue on
lands not
taken.

CXVIII. If any such lands be so released from any such charge or incumbrance, or portion thereof, to which they were subject jointly with other lands, such last-mentioned lands shall alone be charged with the whole of such charge, or with the remainder thereof, as the case may be, and the party entitled to the charge shall have all the same rights and remedies over such last-mentioned lands, for the whole or for the remainder of the charge, as the case may be, as he had previously over the whole of the lands subject to such charge; and if upon any such charge or portion of charge being so released the deed or instrument creating or transferring such charge be tendered to the promoters of the undertaking for the purpose, they or two of them shall subscribe, or if they be a corporation shall affix their common seal to a memorandum of such release endorsed on such deed or instrument, declaring what part of the lands originally subject to such charge shall have been purchased by virtue of the special Act, and if the lands be released from part of such charge, what proportion of such charge shall have been released, and how much thereof continues payable, or if the lands so required shall have been released from the whole of such charge, then that the remaining lands are thenceforward to remain exclusively charged therewith; and such memorandum shall be made and executed at the expense of the promoters of the undertaking, and shall be evidence in all courts and elsewhere of the facts therein stated, but not so as to exclude any other evidence of the same facts.

Leases.

And with respect to lands subject to leases, be it enacted as follows:

Where part
only of lands
under lease
taken, the
rent to be
apportioned.

CXIX. If any lands shall be comprised in a lease for a term of years unexpired, part only of which lands shall be required for the purposes of the special Act, the rent payable in respect of the lands comprised in such lease shall be apportioned between the lands so required and the residue of such lands; and such apportionment may be settled by agreement between the lessor and lessee of such lands on the one part, and the promoters of the undertaking on the other part, and if such apportionment be not so settled by agreement between the parties, such apportionment shall be settled by two justices; and after such apportionment the lessee of such lands shall, as to

all future accruing rent, be liable only to so much of the rent as shall be so apportioned in respect of the lands not required for the purposes of the special Act; and as to the lands not so required, and as against the lessee, the lessor shall have all the same rights and remedies for the recovery of such portion of rent as previously to such apportionment he had for the recovery of the whole rent reserved by such lease; and all the covenants, conditions, and agreements of such lease, except as to the amount of rent to be paid, shall remain in force with regard to that part of the land which shall not be required for the purposes of the special Act, in the same manner as they would have done in case such part only of the land had been included in the lease.

CXX. Every such lessee as last aforesaid shall be entitled to receive from the promoters of the undertaking compensation for the damage done to him in his tenancy by reason of the severance of the lands required from those not required, or otherwise by reason of the execution of the works.

CXXI. If any such lands shall be in the possession of any person having no greater interest therein than as tenant for a year or from year to year, and if such person be required to give up possession of any lands so occupied by him before the expiration of his term or interest therein, he shall be entitled to compensation for the value of his unexpired term or interest in such lands, and for any just allowance which ought to be made to him by an in-coming tenant, and for any loss or injury he may sustain, or if a part only of such lands be required, compensation for the damage done to him in his tenancy by severing the lands held by him, or otherwise injuriously affecting the same; and the amount of such compensation shall be determined by two justices, in case the parties differ about the same; and upon payment or tender of the amount of such compensation all such persons shall respectively deliver up to the promoters of the undertaking, or to the person appointed by them to take possession thereof, any such lands in their possession required for the purposes of the special Act.

CXXII. If any party, having a greater interest than as tenant-at-will, claim compensation in respect of any greater in-

terest claimed
than from
year to year,
lease to be
produced.

unexpired term or interest under any lease or grant of any such lands, the promoters of the undertaking may require such party to produce the lease or grant in respect of which such claim shall be made, or the best evidence thereof in his power; and if, after demand made in writing by the promoters of the undertaking, such lease or grant, or such best evidence thereof, be not produced within twenty-one days, the party so claiming compensation shall be considered as a tenant holding only from year to year, and be entitled to compensation accordingly.

Limit of
time for com-
pulsory pur-
chase.

CXXIII. And be it enacted, That the powers of the promoters of the undertaking for the compulsory purchase or taking of lands for the purposes of the special Act shall not be exercised after the expiration of the prescribed period, and if no period be prescribed not after the expiration of three years from the passing of the special Act.

*Interests
omitted to be
purchased.*

And with respect to interests in lands which have by mistake been omitted to be purchased, be it enacted as follows :

Promoters of
the under-
taking em-
powered to
purchase
interests in
lands the
purchase
whereof may
have been
omitted by
mistake.

CXXIV. If, at any time after the promoters of the undertaking shall have entered upon any lands which under the provisions of this or the special Act, or any Act incorporated therewith, they were authorized to purchase, and which shall be permanently required for the purposes of the special Act, any party shall appear to be entitled to any estate, right, or interest in or charge affecting such lands which the promoters of the undertaking shall through mistake or inadvertence have failed or omitted duly to purchase or to pay compensation for, then, whether the period allowed for the purchase of lands shall have expired or not, the promoters of the undertaking shall remain in the undisturbed possession of such lands, provided, within six months after notice of such estate, right, interest, or charge, in case the same shall not be disputed by the promoters of the undertaking, or in case the same shall be disputed then within six months after the right thereto shall have been finally established by law in favour of the party claiming the same, the promoters of the undertaking shall purchase or pay compensation for the same, and

shall also pay to such party, or to any other party who may establish a right thereto, full compensation for the mesne profits or interest which would have accrued to such parties respectively in respect thereof during the interval between the entry of the promoters of the undertaking thereon and the time of the payment of such purchase-money or compensation by the promoters of the undertaking, so far as such mesne profits or interest may be recoverable in law or equity; and such purchase-money or compensation shall be agreed on or awarded and paid in like manner as according to the provisions of this Act the same respectively would have been agreed on or awarded and paid in case the promoters of the undertaking had purchased such estate, right, interest, or charge before their entering upon such land, or as near thereto as circumstances will admit.

CXXV. In estimating the compensation to be given for any such last-mentioned lands, or any estate or interest in the same, or for any mesne profits thereof, the jury, or arbitrators, or justices, as the case may be, shall assess the same according to what they shall find to have been the value of such lands, estate or interest, and profits, at the time such lands were entered upon by the promoters of the undertaking, and without regard to any improvements or works made in the said lands by the promoters of the undertaking, and as though the works had not been constructed.

CXXVI. In addition to the said purchase-money, compensation, or satisfaction, and before the promoters of the undertaking shall become absolutely entitled to any such estate, interest, or charge, or to have the same merged or extinguished for their benefit, they shall, when the right to any such estate, interest, or charge shall have been disputed by the company, and determined in favour of the party claiming the same, pay the full costs and expenses of any proceedings at law or in equity for the determination or recovery of the same to the parties with whom any such litigation in respect thereof shall have taken place; and such costs and expenses shall, in case the same shall be disputed, be settled by the proper officer of the court in which such litigation took place.

And with respect to lands acquired by the promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, but

*Sale of super-
fluous Land.*

which shall not be required for the purposes thereof, be it enacted as follows :

Lands not wanted to be sold, or in default to vest in owners of adjoining lands.

CXXVII. Within the prescribed period, or if no period be prescribed within ten years after the expiration of the time limited by the special Act for the completion of the works, the promoters of the undertaking shall absolutely sell and dispose of all such superfluous lands and apply the purchase-money arising from such sales to the purposes of the special Act; and in default thereof all such superfluous lands remaining unsold at the expiration of such period shall thereupon vest in and become the property of the owners of the lands adjoining thereto, in proportion to the extent of their lands respectively adjoining the same.

Lands to be offered to owner of lands from which they were originally taken, or to adjoining owners.

CXXVIII. Before the promoters of the undertaking dispose of any such superfluous lands they shall, unless such lands be situate within a town, or be lands built upon or used for building purposes, first offer to sell the same to the person then entitled to the lands (if any) from which the same were originally severed; or if such person refuse to purchase the same, or cannot after diligent inquiry be found, then the like offer shall be made to the person or to the several persons whose lands shall immediately adjoin the lands so proposed to be sold, such persons being capable of entering into a contract for the purchase of such lands; and where more than one such person shall be entitled to such right of pre-emption such offer shall be made to such persons in succession, one after another, in such order as the promoters of the undertaking shall think fit.

Right of pre-emption to be claimed within six weeks.

CXXIX. If any such persons be desirous of purchasing such lands, then within six weeks after such offer of sale they shall signify their desire in that behalf to the promoters of the undertaking, or if they decline such offer, or if for six weeks they neglect to signify their desire to purchase such lands, the right of pre-emption of every such person so declining or neglecting in respect of the lands included in such offer shall cease; and a declaration in writing made before a justice by some person not interested in the matter in question, stating that such offer was made and was refused, or not accepted within six weeks from the time of making the same, or that the person or all the persons entitled to the right of pre-



emption were out of the country, or could not after diligent inquiry be found, or were not capable of entering into a contract for the purchase of such lands, shall in all courts be sufficient evidence of the facts therein stated.

CXXX. If any person entitled to such pre-emption Differences a be desirous of purchasing any such lands, and such price to be settled by arbitration. person and the promoters of the undertaking do not agree as to the price thereof, then such price shall be ascertained by arbitration, and the costs of such arbitration shall be in the discretion of the arbitrators.

CXXXI. Upon payment or tender to the promoters Lands to be of the undertaking of the purchase-money so agreed conveyed to upon or determined as aforesaid they shall convey such chasers. lands to the purchasers thereof by deed under the common seal of the promoters of the undertaking, if they be a corporation, or if not a corporation under the hands and seals of the promoters of the undertaking or any two of the directors or managers thereof acting by the authority of the body; and a deed so executed shall be effectual to vest the lands comprised therein in the purchaser of such lands for the estate which shall so have been purchased by him; and a receipt under such common seal, or under the hands of two of the directors or managers of the undertaking as aforesaid, shall be a sufficient discharge to the purchaser of any such lands for the purchase-money in such receipt expressed to be received.

CXXXII. In every conveyance of lands to be made Effect of the by the promoters of the undertaking under this or the word "grant" special Act the word "grant" shall operate as express in convey- covenants by the promoters of the undertaking, for ances. themselves and their successors, or for themselves, their heirs, executors, administrators, and assigns, as the case may be, with the respective grantees therein named, and the successors, heirs, executors, administrators, and assigns of such grantees, according to the quality or nature of such grants, and of the estate or interest therein expressed to be thereby conveyed, as follows, except so far as the same shall be restrained or limited by express words contained in any such conveyance; (that is to say,)

A covenant that, notwithstanding any Act or default done by the promoters of the undertaking, they were at the time of the execution of such conveyance seized or possessed of the lands or premises thereby granted for an indefeasible estate of inheritance in fee simple, free from all incumbrances done or occasioned by them, or otherwise for such estate or interest as therein expressed to be thereby granted, free from incumbrances done or occasioned by them :

A covenant that the grantee of such lands, his heirs, successors, executors, administrators, and assigns, (as the case may be,) shall quietly enjoy the same against the promoters of the undertaking, and their successors, and all other persons claiming under them, and be indemnified and saved harmless by the promoters of the undertaking and their successors, from all incumbrances created by the promoters of the undertaking :

A covenant for further assurance of such lands, at the expense of such grantee, his heirs, successors, executors, administrators, or assigns, (as the case may be,) by the promoters of the undertaking, or their successors, and all other persons claiming under them :

And all such grantees, and their several successors, heirs, executors, administrators, and assigns respectively, according to their respective quality or nature, and the estate or interest in such conveyance expressed to be conveyed, may in all actions brought by them assign breaches of covenants, as they might do if such covenants were expressly inserted in such conveyances.

Land tax and
poor's rate to
be made
good.

CXXXIII. And be it enacted, That if the promoters of the undertaking become possessed by virtue of this or the special Act, or any Act incorporated therewith, of any lands charged with the land tax, or liable to be assessed to the poor's rate, they shall from time to time until the works shall be completed and assessed to such land tax or poor's rate, be liable to make good the deficiency in the several assessments for land tax and poor's rate by reason of such lands having been taken or used for the purposes of the works, and such deficiency shall be computed according to the rental at which such lands, with

any building thereon, were valued or rated at the time of the passing of the special Act; and on demand of such deficiency the promoters of the undertaking, or their treasurer, shall pay all such deficiencies to the collector of the said assessments respectively; nevertheless, if at any time the promoters of the undertaking think fit to redeem such land tax, they may do so in accordance with the powers in that behalf given by the Acts for the redemption of the land tax.

CXXXIV. And be it enacted, That any summons or notice, or any writ or other proceeding at law or in equity, requiring to be served upon the promoters of the undertaking, may be served by the same being left at or transmitted through the post directed to the principal office of the promoters of the undertaking, or one of the principal offices where there shall be more than one, or being given or transmitted through the post directed to the secretary, or in case there be no secretary the solicitor of the said promoters.

CXXXV. And be it enacted, That if any party shall have committed any irregularity, trespass, or other wrongful proceeding in the execution of this or the special Act, or any Act incorporated therewith, or by virtue of any power or authority thereby given, and if, before action brought in respect thereof, such party make tender of sufficient amends to the party injured, such last mentioned party shall not recover in any such action; and if no such tender shall have been made it shall be lawful for the defendant, by leave of the court where such action shall be pending, at any time before issue joined, to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

And with respect to the recovery of forfeitures, penalties, and costs, be it enacted as follows:

CXXXVI. Every penalty or forfeiture imposed by this or the special Act, or by any bye-law made in pursuance thereof, the recovery of which is not otherwise provided for, may be recovered by summary proceeding before two justices; and on complaint being made to any justice he shall issue a summons requiring the party com-

*Recovery of
Penalties.*

*Penalties to
be summarily
recovered
before two
Justices.*

plained against to appear before two justices at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same with some inmate at his usual place of abode; and upon the appearance of the party complained against, or in his absence, after proof of the due service of such summons, it shall be lawful for any two justices to proceed to the hearing of the complaint, and that although no information in writing or in print shall have been exhibited before them; and upon proof of the offence, either by the confession of the party complained against, or upon the oath of one credible witness or more, it shall be lawful for such justices to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred, as well as such costs attending the conviction as such justices shall think fit.

**Penalties to
be levied by
distress.**

CXXXVII. If forthwith upon any such adjudication as aforesaid the amount of the penalty or forfeiture, and of such costs as aforesaid, be not paid, the amount of such penalty and costs shall be levied by distress, and such justices, or either of them, shall issue their or his warrant of distress accordingly.

**Distress how
to be levied.**

CXXXVIII. Where in this or the special Act, or any Act incorporated therewith, any sum of money, whether in the nature of penalty, costs, or otherwise, is directed to be levied by distress, such sum of money shall be levied by distress and sale of the goods and chattels of the party liable to pay the same; and the overplus arising from the sale of such goods and chattels, after satisfying such sum of money, and the expenses of the distress and sale, shall be returned, on demand, to the party whose goods shall have been distrained.

**Application
of penalties.**

CXXXIX. The justices by whom any such penalty or forfeiture shall be imposed may, where the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the overseers of the poor of the parish in which the offence shall have been committed, to be applied in aid of the poor's rate of such parish, or if the place wherein the offence shall have been committed shall be extra-parochial, then such justices shall direct such remainder to be applied in aid of the poor's rate of such

extra-parochial place, or if there shall not be any poor's rate therein in aid of the poor's rate of any adjoining parish or district.

CXL. If any such sum shall be payable by the promoters of the undertaking, and if sufficient goods of the said promoters cannot be found whereon to levy the same, it may, if the amount thereof do not exceed twenty pounds, be recovered by distress of the goods of the treasurer of the said promoters, and the justices aforesaid, or either of them, on application, shall issue their or his warrant accordingly; but no such distress shall issue against the goods of such treasurer unless seven days' previous notice in writing, stating the amount so due, and demanding payment thereof, have been given to such treasurer, or left at his residence; and if such treasurer pay any money under such distress as aforesaid, he may retain the amount so paid by him, and all costs and expenses occasioned thereby, out of any money belonging to the promoters of the undertaking coming into his custody or control, or he may sue them for the same.

CXLI. No distress levied by virtue of this or the special Act, or any Act incorporated therewith, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress, or other proceeding relating thereto, nor shall such party be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may recover full satisfaction for the special damage in an action upon the case.

CLXII. No person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this or the special Act, or any Act incorporated therewith, for any offence made cognizable before a justice, unless the complaint respecting such offence shall have been made before such justice within six months next after the commission of such offence.

⁻ CXLIII. It shall be lawful for any justice to summon any person to appear before him as a witness in any matter in which such justice shall have jurisdiction under

Distress
against the
treasurer.

Distress not
unlawful for
want of form.

the provisions of this or the special Act, at a time and place mentioned in such summons, and to administer to him an oath to testify the truth in such matter; and if any person so summoned shall, without reasonable excuse, refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses, or if any person appearing shall refuse to be examined upon oath or to give evidence before such justice, every such person shall forfeit a sum not exceeding five pounds for every such offence.

Form of conviction.

CXLIV. The justices before whom any person shall be convicted of any offence against this or the special Act, or any Act incorporated therewith, may cause the conviction to be drawn up according to the form in the schedule (C.) to this Act annexed.

Proceedings not to be quashed for want of form.

CXLV. No proceeding in pursuance of this or the special Act, or any Act incorporated therewith, shall be quashed or vacated for want of form, nor shall the same be removed by certiorari or otherwise into any of the superior courts.

Parties allowed to appeal to quarter sessions on giving security.

CXLVI. If any party shall feel aggrieved by any determination or adjudication of any justice with respect to any penalty or forfeiture under the provisions of this or the special Act, or any Act incorporated therewith, such party may appeal to the General Quarter Sessions for the county or place in which the cause of appeal shall have arisen; but no such appeal shall be entertained unless it be made within four months next after the making of such determination or adjudication, nor unless ten days' notice in writing of such appeal, stating the nature and grounds thereof, be given to the party against whom the appeal shall be brought, nor unless the appellant forthwith after such notice enter into recognizances, with two sufficient sureties, before a justice, conditioned duly to prosecute such appeal, and to abide the order of the court thereon.

Court to make such order as they think reasonable.

CXLVII. At the Quarter Sessions for which such notice shall be given the court shall proceed to hear and determine the appeal in a summary way, or they may, if they think fit, adjourn it to the following sessions; and upon the hearing of such appeal the court may, if they

think fit, mitigate any penalty or forfeiture, or they may confirm or quash the adjudication, and order any money paid by the appellant, or levied by distress upon his goods, to be returned to him, and may also order such further satisfaction to be made to the party injured as they may judge reasonable; and they may make such order concerning the costs, both of the adjudication and of the appeal, as they may think reasonable.

CXLVIII. Provided always, and be it enacted, That notwithstanding any thing herein or in the special Act, or any Act incorporated therewith, contained, every penalty or forfeiture imposed by this or the special Act, or any Act incorporated therewith, or by any bye-law in pursuance thereof, in respect of any offence which shall take place within the metropolitan police district, shall be recovered, enforced, accounted for, and, except where the application thereof is otherwise specially provided for, shall be paid to the receiver of the metropolitan police district, and shall be applied in the same manner as penalties or forfeitures, other than fines upon drunken persons, or upon constables for misconduct, or for assaults upon police constables, are directed to be recovered, enforced, accounted for, paid, and applied by an Act passed in the third year of the reign of her present Majesty, intituled "An Act for regulating the Police Courts in the 2 & 3 Vict. Metropolis," and every order or conviction of any of the police magistrates in respect of any such forfeiture or penalty shall be subject to the like appeal and upon the same terms as is provided in respect of any order or conviction of any of the said police magistrates by the said last-mentioned Act; and every magistrate by whom any order or conviction shall have been made shall have the same power of binding over the witnesses who shall have been examined, and such witnesses shall be entitled to the same allowance of expenses as he or they would have had or been entitled to, in case the order, conviction, and appeal had been made in pursuance of the provisions of the said last-mentioned Act.

CXLIX. And be it enacted, That any person who upon any examination upon oath under the provisions of this or the special Act, or any Act incorporated therewith, shall wilfully and corruptly give false evidence, shall be liable to the penalties of wilful and corrupt perjury.

*Access to
Special Act.*

And with respect to the provision to be made for affording access to the special Act by all parties interested, be it enacted as follows :

Copies of
special Act to
be kept and
deposited,
and allowed
to be in-
spected.

7 W. 4. &
1 Vict. c. 88.

CL. The company shall at all times after the expiration of six months after the passing of the special Act keep in their principal office of business a copy of the special Act, printed by the printers to her Majesty, or some of them ; and where the undertaking shall be a railway, canal, or other like undertaking, the works of which shall not be confined to one town or place, shall also within the space of such six months deposit in the office of each of the clerks of the peace of the several counties into which the works shall extend, a copy of such special Act, so printed as aforesaid ; and the said clerks of the peace shall receive, and they and the company respectively shall retain, the said copies of the special Act, and shall permit all persons interested to inspect the same, and make extracts or copies therefrom, in the like manner, and upon the like terms, and under the like penalty for default, as is provided in the case of certain plans and sections by an Act passed in the first year of the reign of her present Majesty, intituled "An Act to compel Clerks of the Peace for Counties, and other Persons, to take the Custody of such Documents as shall be directed to be deposited with them under the Standing Orders of either House of Parliament."

Penalty on
company
failing to
keep or
deposit.

CLI. If the company shall fail to keep or deposit, as hereinbefore mentioned, any of the said copies of the special Act, they shall forfeit twenty pounds for every such offence, and also five pounds for every day afterwards during which such copy shall be not so kept or deposited.

Act not to
extend to
Scotland.

CLII. And be it enacted, That this Act shall not extend to Scotland.

Act may be
amended this
session.

CLIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this session of Parliament.

SCHEDULES REFERRED TO IN THE FORE-GOING ACT.

SCHEDULE (A.)

Form of Conveyance.

I of in consideration of the sum of paid to me [or, as the case may be, into the Bank of England [or Bank of Ireland], in the name and with the privity of the accountant-general of the Court of Chancery, ex parte "The Promoters of the Undertaking" [naming them], or to A. B. of and C. D. of two trustees appointed to receive the same], pursuant to the [here name the special Act], by the [here name the company or other promoters of the undertaking], incorporated [or constituted] by the said Act, do hereby convey to the said company [or other description], their successors and assigns, all [describing the premises to be conveyed], together with all ways, rights, and appurtenances thereto belonging, and all such estate, right, title, and interest in and to the same as I am or shall become seised or possessed of, or am by the said Act empowered to convey, to hold the premises to the said company [or other description], their successors and assigns, for ever, according to the true intent and meaning of the said Act. In witness whereof I have hereunto set my hand and seal, the day of in the year of our Lord

SCHEDULE (B.)

Form of Conveyance on Chief Rent.

I of in consideration of the rent-charge to be paid to me, my heirs and assigns, as hereinafter mentioned, by "The Promoters of the Undertaking" [naming them], incorporated [or constituted] by virtue of the [here name the special Act], do hereby convey to the said company [or other description], their successors and assigns, all [describing the premises to be conveyed], together with

all ways, rights, and appurtenances thereunto belonging, and all my estate, right, title, and interest in and to the same and every part thereof, to hold the said premises to the said company [*or other description*], their successors and assigns, for ever, according to the true intent and meaning of the said Act, they the said company [*or other description*], their successors and assigns, yielding and paying unto me, my heirs and assigns, one clear yearly rent of by equal quarterly [*or half-yearly, as agreed upon,*] portions, henceforth, on the [*stating the days*], clear of all taxes and deductions. In witness whereof I hereunto set my hand and seal, the day of in the year of our Lord

SCHEDULE (C.)

Form of Conviction.

To wit,

C.

D

Same for Scotland, 8 Vict., cap. 99.

JOINT STOCK COMPANIES REGISTRATION
ACT.

7 & 8 VICT. CAP. CX.

An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies. [5th September, 1844.]

WHEREAS it is expedient to make provision for the due registration of joint stock companies during the formation and subsistence thereof; and also, after such complete registration as is hereinafter mentioned, to invest such companies with the qualities and incidents of corporations, with some modifications, and subject to certain conditions and regulations; and also to prevent the establishment of any companies which shall not be duly constituted and regulated according to the provisions of this Act: Now be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this present Parliament assembled, and by the authority of the same, That this Act shall come into operation at the following times; that is to say, as to the officers to be appointed in pursuance hereof for the registration of companies, and the regulation of the office hereby provided for that purpose, immediately on the passing hereof; and as to all companies to which this Act is to apply, and all other the provisions hereinafter contained, except such as relate to such officers and office as afore-

*General
Provisions.*
*Operation of
Act as to
time.*

said, on the 1st day of *November*, in the year one thousand eight hundred and forty-four.

Operation of Act as to companies.

II. And be it enacted, That this Act shall apply to every joint stock company, as hereinafter defined, established in any part of the United Kingdom of *Great Britain* and *Ireland* except *Scotland*, or established in *Scotland* and having an office or place of business in any other part of the United Kingdom, for any commercial purpose, or for any purpose of profit, or for the purpose of assurance or insurance (except banking companies, schools, and scientific and literary institutions, and also friendly societies, loan societies, and benefit building societies, respectively duly certified and enrolled under the statutes in force respecting such societies, other than such friendly societies as grant assurances on lives to the extent hereinafter specified;) and that the term "Joint Stock Company" shall comprehend,—

Application of term "joint stock company."

Every partnership whereof the capital is divided or agreed to be divided into shares, and so as to be transferable without the express consent of all the co-partners; and also,

Every assurance company or association for the purpose of assurance or insurance on lives, or against any contingency involving the duration of human life, or against the risk of loss or damage by fire, or by storm or other casualty, or against the risk of loss or damage to ships at sea or on voyage, or to their cargoes, or for granting or purchasing annuities on lives; and also every institution enrolled under any of the Acts of Parliament relating to friendly societies, which institution shall make assurances on lives or against any contingency involving the duration of human life to an extent upon one life or for any one person to an amount exceeding two hundred pounds, whether such companies, societies, or institutions shall be joint stock companies or mutual assurance societies, or both; and also,

Every partnership which at its formation, or by subsequent admission (except any admission subsequent on devolution or other Act in law), shall consist of more than twenty-five members:

Future companies.

And that, except where the provisions of this Act are expressly applied to partnerships existing before the said 1st

day of November, it shall be held to apply only to partnerships the formation of which shall be commenced after that date: Provided nevertheless, that, except as herein-after specially provided, this Act shall not extend to any company for executing any bridge, road, cut, canal, reservoir, aqueduct, waterwork, navigation, tunnel, archway, railway, pier, port, harbour, ferry, or dock which cannot be carried into execution without obtaining the authority of Parliament: Provided also, that, except as hereinafter is specially provided, this Act shall not extend to any company incorporated or which may be hereafter incorporated by statute or charter, nor to any company authorized or which may be hereafter authorized by statute or letters patent to sue and be sued in the name of some officer or person.

Companies
for executing
Parliamentary works.

Incorporated
companies.

III. And be it declared, That the following words and Construction expressions are intended to have the meanings hereby assigned to them respectively, so far as such meanings are not excluded by the context or by the nature of the subject matter ; that is to say,

The word "Company" to mean any joint stock company or other institution, as before defined :

The expression "Assurance Company" to mean any assurance company, association, or institution, as before defined :

The word "Directors" to mean the persons having the direction, conduct, management, or superintendence of the affairs of a company :

The expression "Promoter," or "Promoter of a Company," to apply to every person acting by whatever name in the forming and establishing of a company at any period prior to the company obtaining a certificate of complete registration as hereinafter mentioned:

The word "Subscriber" to mean any person who shall have agreed in writing to take or have taken any shares in a proposed company or in a company formed, and who shall not have executed the deed of settlement, or a deed referring thereto :

The word "Shareholder" to mean any person entitled to a share in a company, and who has executed the deed of settlement, or a deed referring to it, or, in

the case of mutual assurance societies, any person who shall be an assured member thereof:

The word "Person" to apply to bodies politic or corporate, whether sole or aggregate:

The expression "Commissioners of the Treasury" to apply to the Lord High Treasurer for the time being, or the commissioners of her Majesty's treasury for the time being, or any three or more of them:

The expression "Committee of Privy Council for Trade" to mean the lords of the committee of her Majesty's privy council for the consideration of all matters of trade and plantations:

The expression "Secretary of the Committee" to mean one of the joint assistant secretaries of the said committee of privy council for trade:

The word "Justice" to mean a justice of the peace for the county, city, borough, liberty, or place where the matter requiring the cognisance of any justice shall arise, and who shall not be interested in the matter:

The expression "special Authority" to mean any deed of settlement, bye-laws, letters patent, charter, or local and personal Act of Parliament by which powers are conferred or regulations prescribed with reference to any individual company:

The word "Prescribed" to mean provided for by special authority:

The word "Month" to mean calendar month:

The expression "Superior Courts" to mean her Majesty's superior courts of law or equity in *England* or *Ireland*.

The word "Occupation" when applied to any person, to mean his trade or following, and if none, then his rank or usual title, as esquire, gentleman:

The expression "Place of Residence" to include the street, square, or place where the party shall reside, and the number (if any) or other designation of the house in which he shall so reside:

The word "Oath" to include affirmation or other declaration lawfully substituted for an oath:

And generally, whenever, with regard to any matter, or to any function in respect thereof, the name of an

officer (whether a public officer or an officer of a company) ordinarily having cognisance of such matter, or ordinarily exercising such function, is mentioned, such reference is to be understood to apply as well to any other person or officer who may have cognisance of such matter, or exercise such function in respect of such matter:

And, subject as aforesaid to the context and to the nature of the subject matter, words denoting the singular number are to be understood to apply also to a plurality of persons or things, and words denoting the masculine gender are to be understood to apply also to persons of the feminine gender.

IV. And be it enacted, That before proceeding to make public, whether by way of prospectus, handbill, or advertisement, any intention or proposal to form any company for any purpose within the meaning of this Act, whether for executing any such work as aforesaid under the authority of Parliament, or for any other purpose, it shall be the duty of the promoters of such company, and they or some of them are hereby required to make to the office hereby provided for the registration of joint stock companies (and hereinafter called the Registry Office) returns of the following particulars according to the schedule (C.) hereunto annexed; that is to say,

1. The proposed name of the intended company; and also,
2. The business or purpose of the company; and also,
3. The names of its promoters, together with their respective occupations, places of business (if any), and places of residence;

And also the following particulars, either before or after such publication as aforesaid, when and as from time to time they shall be decided on; viz.

4. The name of the street, square, or other place in which the provisional place of business or place of meeting shall be situate, and the number (if any) or other designation of the house or office; and also,
5. The names of the members of the committee or other body acting in the formation of the company, their respective occupations, places of busi-

ness (if any), and places of residence, together with a written consent on the part of every such member or promoter to become such, and also a written agreement on the part of such member or promoter, entered into with some one or more persons as trustees for the said company, to take one or more shares in the proposed undertaking, which must be signed by the member or promoter whose agreement it purports to be (but such agreements need not be on a stamp); and also,

6. The names of the officers of the company and their respective occupations, places of business (if any), and places of residence; and also,
7. The names of the subscribers to the company, their respective occupations, places of business (if any), and places of residence; and also, before it shall be circulated or issued to the public,
8. A copy of every prospectus or circular, handbill, or advertisement, or other such document, at any time addressed to the public or to the subscribers or others relative to the formation or modification of such company :
9. And afterwards from time to time, until the complete registration of such company, a return of a copy of every addition to or change made in any of the above particulars :

Certificate of provisional registration. And that upon such registration of at the least the three particulars first before mentioned the promoters of such company shall be entitled to a certificate of provisional registration.

Penalty as to delaying registration. V. And be it enacted, That if for a period of one month after the particulars hereby required to be registered, or any of them, shall have been ascertained or determined, the promoters of any company fail to register such particulars, then, on conviction thereof, any promoter as aforesaid shall be liable to forfeit for every such offence a sum not exceeding twenty pounds.

Relief from penalties to promoters by the appointment of a VI. Provided always, and be it enacted, That if the promoters of a proposed company appoint a person, being an attorney or solicitor of one of her Majesty's superior courts of law or equity, to be solicitor for

the promoters of such company, and return to the solicitor to said registry-office a duplicate of such appointment in writing, signed by some one or more of such promoters, together with a duplicate of the acceptance of such appointment, signed by the person so appointed, then, until a duplicate of the revocation or of the resignation of such appointment be returned in like manner, so signed as aforesaid, or until the decease of such solicitor, all returns by this Act required to be made by such promoters shall be made by such solicitor in their behalf, and the penalty hereinbefore imposed in respect of any failure to make such returns shall not be incurred by them ; and that if within the period of one month after the particulars hereby required to be registered, or any of them, shall have been ascertained or determined, such solicitor fail to make such returns, then he shall be liable to forfeit for every such offence a sum not exceeding twenty pounds ; and that if it be made to appear to the court to which he shall belong that he fraudulently omitted to make a return of any such particulars, than he shall be liable to be suspended from practice for any time to be appointed by the said court, or to be struck off the rolls of the said court.

VII. And be it enacted, That it shall not be lawful for any joint-stock company hereafter to be formed for any purpose within the meaning of this Act, whether for executing any such work as aforesaid under the authority of Parliament, or for any other purpose, to act otherwise than provisionally in accordance with this Act until such company shall have obtained a certificate of complete registration as hereinafter provided ; and no joint-stock company shall be entitled to receive a certificate of complete registration unless it be formed by some deed or writing under the hands and seals of the shareholders therein ; and in or by such deed there must be appointed not less than three directors, and also one or more auditors ; and such deed must set forth in a schedule thereto, in a tabular manner, according to the order hereinafter mentioned, the following particulars ; that is to say,

1. The name of the company ; and also,
2. The business or purpose of the company ; and also,
3. The principal or only place for carrying on such business, and every branch office (if any) ; and also,

Penalty on
solicitor failing
to make
returns.

Complete
registration :

Constitution
of companies.

Provisions of
deeds of set-
tlements.

4. The amount of the proposed capital, and of any proposed additional capital, and the means by which it is to be raised; and where the capital shall not be money, or shall not consist entirely of money, then the nature of such capital and the value thereof shall be stated; and also,
5. The amount of money (if any) to be raised or authorized to be raised by loan; and also,
6. The total amount of the capital subscribed or proposed to be subscribed at the date of such deed; and also,
7. The division of the capital (if any) into equal shares, and the total number of such shares, each of which is to be distinguished by a separate number in a regular series; and also,
8. The names and occupations and (except bodies politic) the places of residence of all the then subscribers according to the information possessed by the officers of the company in respect of such names and occupations and places of residence; and also,
9. The number of the shares which each subscriber holds, and the distinctive numbers thereof, distinguishing the numbers of the shares on which the deposit has been paid from those on which it has not been paid; and also,
10. The names of the then directors of the Company, and of the then trustees of the company (if any), and of the then auditors of the company, together with their respective places of business (if any), occupations, and places of residence; and also,
11. The duration of the company, and the mode or condition of its dissolution:

Covenant to
pay instal-
ments on
shares, &c.

Provision in
deed for
purposes in
Schedule (A.)

And that such deed must contain a covenant on the part of every shareholder, with a trustee on the part of the company, to pay up the amount of the instalments on the shares taken by such shareholder, and to perform the several engagements in the deed contained on the part of the shareholders; and that such deed must also make provision for such of the purposes set forth in schedule (A.) to this Act annexed as the nature and the business of the company may require, and either with or without provision for such other purposes (not inconsistent with law) as the parties to such deed

shall think proper ; and that every such deed of settlement must be signed by at least one-fourth in number of the persons who at the date of the deed have become subscribers, and who shall hold at least one-fourth of the maximum number of shares in the capital of the company ; and that every such deed must be certified by two directors of the company, by writing endorsed thereon in the form contained in the schedule (B.) to this Act annexed ; and that on the production of such deed, setting forth such matters and making such provisions as are hereby required to be provided for, and being so signed and certified, together with a complete abstract or index thereof, to be previously approved by the registrar of joint-stock companies, and also a copy of such deed, for the purpose of registering the same, or as soon after such production as conveniently may be, the registrar of joint-stock companies shall grant a certificate of complete registration, according to the provisions of this Act in that behalf ; and unless such deed and other matters be so produced, and such conditions be so performed, it shall not be lawful for him to grant such certificate ; and that after such certificate shall be granted it shall be taken as evidence of the proper provisions being inserted in such deed, and of the performance of the conditions hereby required previously to the granting such certificate of complete registration ; and that any defect or omission as regards the matters hereby required in any deed of settlement may from time to time be supplied by a supplementary deed or deeds ; and that if any such supplementary deed be not inconsistent with or repugnant to this Act, or any Act respecting joint-stock companies, and if it be duly registered then it shall have the same effect as if there were only one deed for the purposes of this Act ; and that unless the same shall be registered it shall be of no force or effect.

VIII. And be it enacted, That if any deed of settlement or supplementary deed of settlement, whether made before or after the granting of the certificate of complete registration, appear to such registrar of joint stock companies to be insufficient by reason of the omission or incompleteness of any of the provisions therein contained for the purposes set forth in the said schedule (A.), or if the deed contain provisions which appear to such registrar to be inconsistent with or repugnant to this Act, or any Act

Execution of
of deed of
settlement.

Authentica-
tion of deed.

Registration
of deed.

Supplemen-
tary deed.

Notification
of incom-
pleteness of
deeds of set-
tlement.

for the time being in force respecting joint stock companies, then as soon thereafter as conveniently may be such registrar shall notify the same in writing to the persons or to the company by whom the deed shall have been presented for registration, specifying in such notification the particulars wherein such deed of settlement or supplementary deed of settlement is incomplete, or inconsistent with or repugnant to any such Act as aforesaid.

**Companies
for executing
Parliamen-
tary works to
register copies
of documents
required to be
deposited by
the Standing
Orders.**

**Certificate of
complete
registration.**

**Further re-
gistration :
Returns of
further deeds
and changes.**

IX. Provided always, and be it enacted, That if any company for executing any bridge, road, cut, canal, reservoir, aqueduct, waterwork, navigation, tunnel, archway, railway, pier, port, harbour, ferry, or dock, which cannot be carried into execution without the authority of Parliament, deposit at the proper offices of the two Houses of Parliament, in compliance with the standing orders of such Houses respectively, and at or within the time required by such standing orders, such deeds of partnership or subscription contracts as shall be required to be deposited by such standing orders, and also return to the said registry office a copy of such deeds of partnership or subscription contracts, together with such certificate of the receipt of such plans, sections, and books of reference as shall be appointed by the said committee of privy council for trade, then it shall be lawful for the registrar of joint stock companies and he is hereby required to accept the same instead of the deed of settlement by this Act required to be returned for the purpose of obtaining a certificate of complete registration; and thereupon such company shall be entitled to a certificate of complete registration accordingly.

X. And be it enacted, That throughout the continuance of any joint stock company completely registered under this Act, except such companies as shall have been incorporated by Act of Parliament after complete registration and within one month after the date of any new or supplementary deed of settlement, there shall be transmitted by the directors of every such company to the registrar of joint stock companies a copy of such new or supplementary deed of settlement, together with a complete abstract thereof so approved of as aforesaid; and within six months after any change shall have taken place in any of the particulars hereinbefore required to be set forth in the schedule to the deed of settlement, except so

far as respects the shareholders thereof and their respective shares, there shall be transmitted returns of such particulars, so far as the same shall have been changed; and if within such period any such return be not made, *Penalty.* then, on conviction thereof, every director of such company shall be liable to pay a sum not exceeding twenty pounds.

XI. And be it enacted, That in the months of *January* and *July* in every year the directors of every joint stock company completely registered under this Act, except companies which shall have been incorporated by Act of Parliament after complete registration, shall make or cause to be made the following returns to the registrar of joint stock companies, namely,—

Half-yearly
returns of
changes and
additions of
members.

A return according to the schedule (E.) hereunto annexed, and containing the particulars therein set forth, of every transfer of any share in such company which shall have been made since the preceding half-yearly return (or, in the case of the first of such returns made by such company, since the complete registration thereof), and which shall have come to the knowledge of the directors:

And also a return according to the schedule (F.) hereunto annexed, and containing the particulars therein set forth, of the names and places of abode of all persons who shall either have ceased to be shareholders of such company, or have become shareholders of such company otherwise than by a transfer as aforesaid, since the preceding half-yearly return, or since the complete registration of the company, as the case may require, and also of the changes in the names of all shareholders of such company whose names shall have been changed by marriage or otherwise since the last preceding half-yearly return, or since the complete registration of the company, as the case may require:

And if within any such period any such return be not made, then, on conviction thereof, every director of such company shall be liable to pay a sum not exceeding twenty pounds.

XII. And be it enacted, That if at any time any party *Returns made* to a transfer of a share request in writing the directors *by request.*

of any such company to make a return thereof, then forthwith on such request the directors shall make the same accordingly; and that on proof of such transfer and such request to the satisfaction of the registrar of joint stock companies it shall be lawful for any such party to make a return of such transfer, which shall be received, marked, and registered, and with the same effect, as hereby provided in the case of returns made by such companies.

Restriction of rights of shareholders by non-registration of shares transferred.

Continuance of liability of shareholder transferring.

Periodical registration of companies.

Penalty.

Returns generally:

XIII. And be it enacted, That until the return of the transfer or other fact or event whereby a person becomes the holder of any shares be made, pursuant to the provisions hereinbefore contained, it shall not be lawful for such company, its directors or officers, if such fact or event be known to them respectively, to pay to any such person any part of the profits of the concern, nor for any such person to sue for or recover any part of the profits arising in respect of such share, or in anywise to act as a shareholder; and that until the return of the transfer of any share shall have been made pursuant to the provisions hereinbefore contained the person whose share shall have been thereby transferred shall, so far as respects his liability to the debts and engagements of the company, and also as respects the reimbursement of any loss, damages, costs, and charges he may incur thereby, be deemed to continue a shareholder of such company.

XIV. And be it enacted, That annually in the month of *January* in every year every company completely registered under this Act, except companies which shall have been incorporated by Act of Parliament after complete registration, shall make to the said registry office a return of the name and business of the company; and that on the receipt of such return the registrar of joint stock companies shall give a certificate thereof; and that if within the further period of one month such return be not made, then, on conviction thereof, such company shall be liable to pay a sum not exceeding twenty pounds: Provided always, that it shall be lawful for the lords of the said committee, on the application of any company, to appoint any other period of the year for the making of such annual return as aforesaid.

XV. And be it enacted, That when the particulars and documents severally by this Act required to be re-

turned to the said registry office shall have been so returned, it shall be the duty of the said registrar of joint stock companies and he is hereby required to cause to be written on every such document and return of particulars brought to him for registration the day of the receipt thereof, and to cause to be marked on every such return or document, in writing or otherwise, a number denoting the order in which the same was received, and also, upon demand, to cause an acknowledgment of the receipt of such return or document to be given to the person by whom the same shall be so brought; and that if such returns or documents be conformable to the provisions of this Act, or of any regulations in that behalf, then it shall be the duty of the registrar and he is hereby required forthwith to register the same, and, on demand, to grant to such company a certificate of provisional or complete registration, as the case may require, signed by him, and sealed with the seal of his office; which certificate must set forth whether the company has been constituted provisionally or completely; and that, in the absence of evidence to the contrary, any such certificate, or a copy of any such return as aforesaid, shall be received in evidence, without proof of the signature thereto, or of the seal of office affixed thereto.

Evidence of registration.
Certificates of registration.

Effect of certificate as evidence.

XVI. And be it enacted, That until the company shall have obtained its certificate of complete registration the promoters of the company, or their solicitor as aforesaid, shall make or cause to be made every return by this Act required to be made; and after such company shall have obtained a certificate of complete registration the directors of the company shall make or cause to be made every such return; and one or more of such promoters, or their solicitor, or such directors, as the case may be, shall sign such return; and every such return which shall be made after complete registration of the company shall be sealed with the seal of the company.

Authentication of returns.

XVII. And be it enacted, That if the committee of privy council for trade shall deem it expedient, then it shall be lawful for the said committee and they are hereby authorized from time to time to make regulations respecting the form of any such returns as are hereby directed to be made, and the manner and time of

as to returns.

**Regulations
to apply to all
companies.**

making them, and for those purposes to alter and vary the schedules annexed to this Act, and to dispense with any of the returns hereby made necessary, or any of the forms of returns prescribed by this Act; and that every such regulation shall be published in the *London Gazette*, and thereupon shall be of the like force as if the same were contained in this Act: Provided always, that nothing herein contained shall be construed to permit the said committee to make any such regulations which shall not apply alike to all such companies as may be registered under the authority of this Act, so far as the same may be applicable to them.

**Inspection of
returns at
registry
office.**

XVIII. And be it enacted, That every person shall be at liberty to inspect the returns, deeds, registers, and indexes which shall be made to or kept by the said registrar of joint stock companies; and that there shall be paid for such inspection such fees as may be appointed by the commissioners of her Majesty's treasury in that behalf, not exceeding one shilling for each such inspection; and that any person shall be at liberty to require a copy or extract of any such return or deed, to be certified by the said registrar; and there shall be paid for such certified copy or extract such fee as the commissioners of her Majesty's Treasury may appoint in that behalf, not exceeding sixpence for each folio of such copy or extract; and that in all courts of law and equity and elsewhere every such copy or extract so certified shall be received in evidence, without proof of the signature thereto, or of the seal of office affixed thereto.

**Legal effect
thereof.**

Office for
registration :
Appointment
of registrar,
&c. of joint
stock com-
panies.

XIX. And be it enacted, That it shall be lawful for the committee of privy council for trade and they are hereby empowered to appoint a person to be and to be called the registrar of joint stock companies, and, if the said committee see fit, an assistant registrar, clerks, and other necessary officers and servants; and that every such registrar and assistant registrar, clerks, and officers shall be entitled to hold their offices during the pleasure only of the said committee; and that from time to time it shall be lawful for the commissioners of her Majesty's Treasury, and they are hereby authorized to fix the salary or remuneration of such registrar, assistant registrars, clerks, officers, and servants; and that, subject to the provisions of this Act, it shall be lawful for the said

committee of privy council for trade and they are hereby authorized to make rules for regulating the execution of the office of the said registrar ; and that such registrar shall have a seal of office to be by him used in the authentication of all matters relating to his said office in respect of which such authentication is by this Act required ; and that such assistant registrar shall, in the absence of the registrar, be competent to do all things which the registrar is authorized or empowered, directed or required to do, as fully and effectually, to all intents and purposes, as the registrar himself may do ; and all provisions in this Act relating to the signature and seal of office of the said registrar shall apply to the said assistant registrar : Provided always, that the registrar shall not be absent from the duties of his office, except on account of ill health or other urgent cause, without express leave in writing of the said committee of privy council for trade for that purpose previously obtained.

Assistant
registrar.

Leave of
absence.

XX. And be it enacted, That from the hour of ten of the clock in the morning until five of the clock in the afternoon, and at such other times as the said committee of privy council for trade shall appoint, such registrar, or in the unavoidable, or, as aforesaid, permitted absence of the registrar, then such assistant registrar, shall give his attendance at the said office every day throughout the year, except *Sundays, Good Friday, Christmas Day*, and any other general holiday or fast day appointed by her majesty in council.

Registrar's
Office atten-
dance.

XXI. And be it enacted, That every company shall pay the following fees ; (that is to say,) Fees of regis-
tration.

For a certificate of provisional registration the sum of five pounds :

For a certificate of complete registration the sum of five pounds ; and one shilling additional in respect of every thousand pounds value of capital, as declared on the formation of the company in the deed of settlement, or by any other special authority :

For an annual certificate the sum of one pound :

And also such other fees as shall be appointed to be paid in respect of any other services to be performed by the said registrar ; and that from time to time it shall be lawful for the commissioners of her Majesty's Treasury, Commis-
sioners of

treasury may fix other fees.	and they are hereby authorized, in addition to the fees hereinbefore required to be paid in respect of such certificates, to fix such other fees to be paid for the services to be performed by the registrar of joint stock companies as they shall deem requisite to defray both the expenses of the said office and the salaries or other remuneration of the said registrar and of any other persons employed under him, with the sanction of the said commissioners of her Majesty's Treasury, in the execution of this Act; and that the balance, if any, shall be carried to the consolidated fund of the United Kingdom of <i>Great Britain and Ireland</i> , and be paid accordingly into the receipt of her Majesty's Exchequer at <i>Westminster</i> ; and that it shall be lawful for the said commissioners of her Majesty's Treasury to regulate the manner in which such fees are to be received, and in which they are to be kept, and in which they are to be accounted for: Provided always, that if within two years after a company shall have obtained a certificate of complete registration such company shall obtain an Act for the incorporation thereof, then three-fourths of the fee paid by or on behalf of such company on such complete registration in respect of the capital of the company shall be reimbursed and repaid to the said company, and that it shall be lawful for the said commissioners of her Majesty's Treasury and they are hereby authorized and empowered to repay the same accordingly.
Balance to go to consolidated fund.	
Regulation of fees.	
Return of three-fourths of the fee on capital to companies obtaining Acts of Parliament.	
Repayment by treasury.	
Extortion a misdemeanor.	XXII. And be it enacted, That if either the said registrar of joint stock companies, or any person employed under him, either demand or receive any gratuity or reward in respect of any service performed by him, other than the fees aforesaid, then for every such offence every such registrar or person shall be guilty of a misdemeanor.
<i>Powers and Privileges of Companies.</i>	XXIII. And be it enacted, That on the provisional registration of any company being certified by the registrar of joint stock companies it shall be lawful for the promoters of any company so registered to act provisionally, but not for any longer period than twelve months from the date of the certificate, unless such certificate shall be renewed, which may be done on application for that purpose; and no such renewed certificate shall be in force for a longer period than twelve months from
On provisional registration:	

the date thereof; and it shall be lawful for the promoters of such company,—

To assume the name of the intended company, but Effect of
coupled with the words "Registered provisionally;"
and also, registration.

To open subscription lists ; and also,

To allot shares, and receive deposits by way of earnest thereon, at a rate not exceeding ten shillings for every one hundred pounds on the amount of every share in the capital of the intended company ; and also, in the case of companies for executing any bridge, road, cut, canal, reservoir, aqueduct, water-work, navigation, tunnel, archway, railway, pier, port, harbour, ferry, or dock, which cannot be carried into execution without the authority of Parliament, in addition to and exclusive of such sum of ten shillings *per* hundred pounds, such further sum *per* hundred pounds on the amount of every such share as may be required by the standing orders of either House of Parliament to be deposited before the obtaining of an Act of Parliament for enabling the company to execute such work ; and also,

To perform such other acts only as are necessary for constituting the company, or for obtaining letters patent, or a charter, or an Act of Parliament ;

But not to make calls, nor to purchase, contract for, or hold lands, nor to enter into contracts for any services, or for the execution of any works, or for the supply of any stores, except such services and stores or other things as are necessarily required for the establishing of the company, and except any purchase or other contract to be made conditional on the completion of the company, and to take effect after the certificate of complete registration, Act of Parliament, or charter or letters patent, shall have been obtained, and, except in the case of companies for executing such works as aforesaid, contracts for services in making surveys and performing all other acts necessary for obtaining an Act of Incorporation or other Act for enabling the company to execute such works.

XXIV. And be it enacted, That if before a certificate Proceedings
of company of provisional registration shall be obtained the promoters

before registration, and while a company is not deemed to be provisionally registered.

257. penalty against persons offending.

On complete registration :

Powers and privileges obtained thereby.

Incorporation.

Without restriction of liability.

or any of them, or any person employed by or under them, take any moneys in consideration of the allotment either of shares or of any interest in the concern, or by way of deposit for shares to be granted or allotted ; or issue, in the name or on behalf of the company, any note or scrip, or letter of allotment, or other instrument or writing to denote a right or claim, or preference or promise, absolute or conditional to any shares ; or advertise the existence or proposed formation of the company ; or make any contract whatsoever for or in the name or on behalf of such intended company ; then every such person shall be liable to forfeit for every such offence a sum not exceeding twenty-five pounds ; and that it shall be lawful for any person to sue for and recover the same by action of debt.

XXV. And be it enacted, That on the complete registration of any company being certified by the registrar of joint stock companies such company and the then shareholders therein, and all the succeeding shareholders, whilst shareholders, shall be and are hereby incorporated as from the date of such certificate by the name of the company as set forth in the deed of settlement, and for the purpose of carrying on the trade or business for which the company was formed, but only according to the provisions of this Act, and of such deed as aforesaid, and for the purpose of suing and being sued, and of taking and enjoying the property and effects of the said company ; and thereupon any covenants or engagements entered into by any of the shareholders or other persons with any trustee on the behalf of the company, at any time before the complete registration thereof, may be proceeded on by the said company and enforced in all respects as if they had been made or entered into with the said company after the incorporation thereof ; and such company shall continue so incorporated until it shall be dissolved, and all its affairs wound up ; but so as not in anywise to restrict the liability of any of the shareholders of the company, under any judgment, decree, or order for the payment of money which shall be obtained against such company, or any of the members thereof, in any action or suit prosecuted by or against such company in any court of law or equity : but every such shareholder shall, in respect of such moneys, subject as aforesaid, be and continue liable as he would

have been if the said company had not been incorporated; and thereupon it shall be lawful for the said company, ^{Company} empowered and they are hereby empowered, as follows; that is ^{to act.}

1. To use the registered name of the company, adding thereto "Registered;" and also,
2. To have a common seal (with power to break, alter, and change the same from time to time), but on which must be inscribed the name of the company; and also,
3. To sue and be sued by their registered name in respect of any claim by or upon the company upon or by any person, whether a member of the company or not, so long as any such claim may remain unsatisfied; and also,
4. To enter into contracts for the execution of the works, and for the supply of the stores, or for any other necessary purpose of the company; and also,
5. To purchase and hold lands, tenements, and hereditaments in the name of the said company, or of the trustees or trustee thereof, for the purpose of occupying the same as a place or places of business of the said company, and also (but nevertheless with a license, general or special, for that purpose, to be granted by the committee of the privy council for trade, first had and obtained,) such other lands, tenements, and hereditaments as the nature of the business of the company may require; and also,
6. To issue certificates of shares; and also,
7. To receive instalments from subscribers in respect of the amount of any shares not paid up; and also,
8. To borrow or raise money within the limitations prescribed by any special authority; and also,
9. To declare dividends out of the profits of the concern; and also,
10. To hold general meetings periodically, and extraordinary meetings upon being duly summoned for that purpose; and also,
11. To make from time to time, at some general

meeting of shareholders specially summoned for the purpose, bye-laws for the regulation of the shareholders, members, directors, and officers of the company, such bye-laws not being repugnant to or inconsistent with the provisions of this Act or of the deed of settlement of the company; and also,

12. To perform all other acts necessary for carrying into effect the purposes of such company, and in all respects as other partnerships are entitled to do:

And the said company are hereby empowered and required,—

13. To appoint from time to time, for the conduct and superintendence of the execution of the affairs of the company, a number of directors, not less than three, for a period not greater than five years, with or without eligibility to be re-elected at the expiration of the term, as may be prescribed by any deed of settlement or bye-law; and also,
14. To appoint and remove one or more auditors, and such other officers as the deed of settlement under which the company shall be constituted may authorize:

Subject nevertheless, with respect to all such powers and privileges, to the provisions of this Act, and subject also to the provisions of the deed of settlement of the company or any other special authority: Provided always, with regard to any company for executing any bridge, road, cut, canal, reservoir, aqueduct, waterwork, navigation, tunnel, archway, railway, pier, port, harbour, ferry, or dock, which cannot be carried into execution without obtaining the authority of Parliament, that on the complete registration of any such company, and before such company shall have obtained its Act of Incorporation or other Act whereby the authority of Parliament shall be granted for executing such work, it shall not be lawful for any such company or the directors or officers thereof to exercise the hereinbefore mentioned power to enter into contracts, otherwise than conditionally upon obtaining such Act, or to exercise the power to purchase and hold lands as aforesaid, or to exercise the power to receive instalments from shareholders beyond the sum

Restriction of
powers of
companies for
executing
parlia-
mentary works
before
obtaining an
Act.

or per-centge necessary to be deposited in compliance with the Standing Orders of either House of Parliament, or such other sum as may be requisite for obtaining the Act of Incorporation or other Act for granting the authority of Parliament to execute such work, or to exercise the power to borrow money as aforesaid, or to exercise the power to declare dividends, as aforesaid ; and, subject to these last-mentioned exceptions, all the powers by this enactment hereinbefore given to any company completely registered, except the general power to perform all Acts necessary for carrying on the business of the company, may be exercised as fully by any such company so completely registered as by any other company so completely registered : Provided always, that it shall be lawful for any such company to perform all acts which may be necessary for obtaining an Act of Incorporation or other Act for obtaining the authority of Parliament to execute its works as aforesaid, anything herein contained to the contrary notwithstanding ; and that upon obtaining such Act of Incorporation or other such Act as aforesaid, or at the time of the coming into operation of such Act as shall be thereby appointed, all the powers which any such company shall obtain by virtue of this Act, and all the provisions and regulations of this Act which shall apply to such company, shall cease and determine, except so far as shall be otherwise provided by such Act of Incorporation or other such Act as aforesaid.

Power to
obtain Act of
Parliament.

Regulation of
company
under such
Act.

XXVI. And be it enacted, That no shareholder of any joint stock company completely registered under this Act shall be entitled to receive any dividends or profits, or be entitled to the remedies or powers hereby given to shareholders, until he shall have executed the deed of settlement of the said company, or some deed referring thereto, and also have paid up all instalments or calls due from him, and shall have been registered in the Registry Office aforesaid ; and further, that it shall be lawful for every shareholder who shall have signed such deed, and paid up such instalments or calls, and shall have been registered, and he is hereby entitled,—

Share-
holders :

Restriction of
rights prior to
execution of
deed of set-
tlement.

Rights
thereafter.

To be present at all general meetings of the company ; and also,

To take part in the discussions thereat ; and also,

To vote in the determination of any question thereat,

and that either in person or by proxy, unless the deed of settlement shall preclude shareholders from voting by proxy; and also,

To vote in the choice of directors, and of every auditor to be elected by the shareholders;

**Restriction
on disposal of
shares.**

Subject nevertheless to the provisions of this Act, and of the deed of settlement of the company or other special authority, so far as such provisions shall either regulate or restrict the exercise of such powers, but not so as to deprive such shareholders thereof; and further, with regard to subscribers and every person entitled or claiming to be entitled to any share in any joint stock company the formation of which shall be commenced after the 1st day of *November* one thousand eight hundred and forty-four, that until such joint stock company shall have obtained a certificate of complete registration, and until any such subscriber or person shall have been duly registered as a shareholder in the said Registry Office, it shall not be lawful for such person to dispose, by sale or mortgage, of such share, or of any interest therein, and that every contract for or sale or disposal of such share or interest shall be void, and that every person entering into such contract shall forfeit a sum not exceeding ten pounds; and that for better protecting purchasers it shall be the duty of the directors of the company by whom certificates of shares are issued to state on every such certificate the date of the first complete registration of the company, as before provided; and that if any such director or officer knowingly make a false statement in that respect then he shall be liable to the pains and penalties of a misdemeanour.

107. penalty.

**Contents of
certificates of
shares.**

**Penalty as
to false
certificate.**

**Regulation
of
Companies.**

Directors :

**Powers of
directors.**

XXVII. And be it enacted, That with regard to the powers and duties of directors it shall be lawful for the directors of any joint stock company registered under this Act,—

1. To conduct and manage the affairs of the company according to the provisions and subject to the restrictions of this Act, and of the deed of settlement, and of any bye-law, and for that purpose to enter into all such contracts and do and execute all such acts and deeds as the circumstances may require; and also,
2. To appoint the secretary, if any; and also,

3. To appoint the clerks and servants ; and also, from time to time as they see fit,
4. To remove such secretary, clerks, and servants, and to appoint others, as occasion shall require ; and also,
5. To appoint other persons for special services as the concerns of the company may from time to time require ; and also,
6. To hold meetings periodically and from time to time as the concerns of the company shall require ; and also,
7. To appoint a chairman to preside at all such meetings, and in his absence to appoint a chairman at each such meeting ;

Subject nevertheless to the provisions and restrictions of this Act, and to the provisions of the deed of settlement of the company or other special authority, but not so as to enable the shareholders to act in their own behalf in the ordinary management of the concerns of the company otherwise than by means of directors : Provided always, that it shall not be lawful for the directors to purchase any shares of the company, nor to sell any such shares, except shares forfeited on the nonpayment of calls or instalments, nor to lend to any one of their number, or to any officer of the company, any money belonging to the company without the authority and sanction of a general meeting of shareholders duly convened.

Restriction
as to lending
money.

XXVIII. And be it enacted, That henceforth notwithstanding any thing to the contrary in any deed of qualification of directors, settlement or other instrument by which a joint stock patrons, &c. company shall be constituted or regulated, it shall not be lawful to appoint any person to be or to act as a director, whether honorary or otherwise, or to hold the office of patron or president, or any other office of the like description ; nor shall it be lawful for any person to act in any such capacity unless at the time of such his appointment or of such his acting he hold in his own right at least one share in the capital of such company ; and that if, without having such share, any person be or become or act as director, patron, or president of such company, or in any office of such or the like nature, then he shall forfeit for every such offence a sum not exceeding twenty pounds ; and that if any person be announced or held

out by or on behalf of the company as a director, patron, or president, or as holding any office of such or the like description, without having so consented or acted, then each director of such company knowingly concurring in such representation shall forfeit a sum not exceeding twenty pounds.

**Disqualification
of
directors.**

**As to con-
tracts.**

**Approval of
general
meeting of
shareholders.
As to shares,
&c.**

**Validity of
acts of
directors.**

XXIX. And be enacted, That if any director of a joint stock company registered under this Act be either directly or indirectly concerned or interested in any contract proposed to be made by or on behalf of the company, whether for land, materials, work to be done, or for any purpose whatsoever, during the time he shall be a director, he shall, on the subject of any such contract in which he may be so concerned or interested, be precluded from voting or otherwise acting as a director; and that if any contract or dealing (except a policy of assurance, grant of annuity, or contract for the purchase of an article or of service, which is respectively the subject of the proper business of the company, such contract being made upon the same or the like terms as any like contract with other customers or purchasers), shall be entered into, in which any director shall be interested, then the terms of such contract or dealing shall be submitted to the next general or special meeting of the shareholders to be summoned for that purpose; and that no such contract shall have force until approved and confirmed by the majority of votes of the shareholders present at such meeting; and that if at any time any director cease to be a holder of the prescribed number of shares in the company, or shall become a bankrupt or insolvent, or shall have suspended payment, or compromised with his creditors, or be declared a lunatic, then it shall be unlawful for any such director to continue as a director, or to act as such, and the office of such director shall be and is hereby declared to be vacant.

XXX. And be it enacted, That notwithstanding it may be afterwards discovered that there was some defect or error in the appointment of any person acting or who may have acted as a director of a joint stock company registered under this Act, or that such person was disqualified, yet all acts done by him as such director before the discovery of such defect or error, either solely or with other directors, shall be as binding on him, and on the

company, and the directors and officers thereof, as if such person had been duly appointed or qualified, and, if such acts were done *bond fide*, shall be as binding on all persons whomsoever as if such person had been duly appointed or qualified.

XXXI. And be it enacted, That if any such director or other officer of any joint stock company registered under this Act wrongfully do or omit any Act, with intent to defraud the company or any shareholder therein, or falsify or fraudulently mutilate or fraudulently make any erasure in the books of account or books of register, or any document belonging to the company, then such director or officer shall be deemed to be guilty of a misdemeanour.

XXXII. And be it enacted, That if the entry of the proceedings of any meeting of the shareholders or of the directors of any joint stock company registered under this Act purport to be signed by the chairman duly presiding at such meeting, and sealed with the seal of the company, then it shall be the duty of all courts of justice, justices, and others, and they are hereby required, to receive the book in which such entry shall be made as *prima facie* evidence, not only of the proceedings of the meeting of which entry shall be so made, but of such meetings having been duly convened, and of the persons making or entering such orders or proceedings being shareholders or directors, and of the signature of the chairman.

XXXIII. And be it enacted, That the books of any such company wherein the proceedings of the company are recorded shall be kept at the principal or only place of business of the company, and at all reasonable times such books shall be open to the inspection of any shareholder of the company; subject nevertheless to the provisions of the deed of settlement or of any bye-law.

XXXIV. And be it enacted, That the directors shall cause the accounts of such company to be duly entered in books to be provided for the purpose.

XXXV. And be it enacted, That fourteen days at the least before the period at which the accounts are required to be delivered to the auditors as hereinafter provided,

Examination
of balance-
sheet.

the directors of such company shall cause the books of the company to be balanced, and a full and fair balance-sheet to be made up ; and that previously to such balance-sheet being delivered to the auditors as hereinafter provided, the directors, or any three of their number, shall examine such balance-sheet, and sign it as so examined ; and that when the balance-sheet shall have been so examined the chairman of the directors shall sign such balance-sheet, and that thereupon the directors shall cause the same to be recorded in the books of the company.

Production of
the balance-
sheet.

XXXVI. And be it enacted, That at each ordinary meeting of the shareholders the directors shall produce such balance-sheet to the shareholders assembled thereat.

Inspection of
accounts by
shareholders.

XXXVII. And be it enacted, That during the space of fourteen days previously to such ordinary meeting, and also during one month thereafter, every shareholder of the company may, subject to the provisions of the deed of settlement, or of any bye-law, inspect the books of account and the balance-sheet of the company, and take copies thereof and extracts therefrom ; and that if at any other time three directors authorize in writing any shareholder to make such inspection, then at such other time the shareholder so authorized may make such inspection.

Auditors :
Appointment
of auditors by
company.

XXXVIII. And be it enacted, That every joint stock company completely registered under this Act shall annually at a general meeting appoint one or more auditors of the accounts of the company (one of whom at least shall be appointed by the shareholders present at the meeting in person or by proxy), and shall return the names of such auditors to the registrar of joint stock companies ; and that if an auditor be not appointed on behalf of the shareholders, or if he shall die, or become incapable of acting, or shall decline to act at the prescribed period, or if such return be not made, then on the application of any shareholder of the company it shall be the duty of the committee of privy council for trade and they are hereby authorized to appoint an auditor on behalf of the shareholders ; and that such auditor shall continue to act till the next general meeting ; and the due appointment of such auditor shall be returned to the

By Board of
Trade.

registrar of joint stock companies, and that thereupon it shall be his duty to register the same ; and that it shall be lawful for the commissioners of the treasury and they are hereby empowered to appoint that the company shall pay to such auditor such salary or remuneration as to the said commissioners shall appear suitable, having regard to the duties of his office, and that thereupon such auditor shall be entitled to recover such salary from the company as and when it shall become due, according to the terms of the appointment thereof.

XXXIX. And be it enacted, That twenty-eight days at least before the ensuing ordinary meeting at which such balance-sheet is required to be produced to the shareholders the directors shall deliver to the auditors the half-yearly or other periodical accounts and the balance-sheet required to be presented to the shareholders; and that the auditors shall receive from the directors such accounts and balance-sheet, and examine the same.

XL. And be it enacted, That throughout the year and at all reasonable times of the day it shall be lawful for the auditors and they are hereby authorized to inspect the books of account and books of registry of such company; and that the auditors may demand and have the assistance of such officers and servants of the company and such documents as they shall require for the full performance of their duty in auditing the accounts.

XLI. And be it enacted, That within fourteen days after the receipt of such balance-sheet and accounts the auditors shall either confirm such accounts, and report generally thereon, or shall, if they do not see proper to confirm such accounts, report specially thereon, and deliver such accounts and balance-sheet to the directors of the company.

XLII. And be it enacted, That ten days before the ordinary meeting of such company the directors shall, subject to the provisions of any deed of settlement or bye-law in that behalf, send or cause to be sent a printed copy of the balance-sheet and auditors' report to every shareholder, according to his registered address, and shall, at such meeting of the company, cause such report to be read ; together with the report of the directors.

Salary of such auditor.

Delivery of accounts to auditors.

Auditors to receive and examine accounts.

Assistance to auditors.

Report by auditors.

Publication of reports.

Balance-
sheet and
auditors'
report to be
registered.

XLIII. And be it enacted, That within fourteen days after such meeting it shall be the duty of such directors and they are hereby required to return to the said registry office a copy of the balance-sheet, and of the report of the auditors thereon; and that thereupon it shall be the duty of the registrar of joint stock companies and he is hereby required to register or file the same with the other documents relating to such company.

Contracts :
Requisites of
contracts.

XLIV. And for the purpose of regulating contracts entered into on behalf of any joint stock company completely registered under this Act (except contracts for the purchase of any article the payment or consideration for which doth not exceed the sum of fifty pounds, or for any service the period of which doth not exceed six months, and the consideration for which doth not exceed fifty pounds, and except bills of exchange and promissory notes), be it enacted, That every such contract shall be in writing, and signed by two at least of the directors of the company on whose behalf the same shall be entered into, and shall be sealed with the common seal thereof, or signed by some officer of the company on its behalf, to be thereunto expressly authorized by some minute or resolution of the board of directors applying to the particular case; and that in the absence of such requisites or of any of them any such contract shall be void and ineffectual (except as against the company on whose behalf the same shall have been made); and that every such contract for the purchase of any article the consideration of which doth not exceed the sum of fifty pounds, or for any services the period of which doth not exceed six months, and the consideration for which doth not exceed fifty pounds, entered into on behalf of any joint stock company completely registered under this Act, may be entered into by any officer authorized by a general bye-law in that behalf; and that every such contract, whether under seal or not, shall immediately after the same shall have been entered into be reported to the secretary or other appointed officer of the company on whose behalf the same shall have been entered into, who shall enter the same in proper books to be kept for that purpose; and that if any such contract be not so reported and entered, then the officer by whose default such contract shall not be so reported or entered shall be liable to repay to the company on whose behalf such

Report to
secretary.

Liability.

contract may be made the amount of the consideration agreed to be paid by or on behalf of such company in respect of such contract.

company and members. account any bill of exchange or promissory note shall be made, accepted, or endorsed, in manner and form aforesaid, shall and may sue and be sued thereon, as fully and effectually, and in the same manner, as in the case of any contract made and entered into under their common seal.

**Deeds, &c.
to be signed
by two
directors.**

XLVI. And be it enacted, That all deeds and instruments bearing the seal of the company shall be signed by two at the least of the directors of the company.

**Bye-laws :
Form of bye-
laws.**

XLVII. And be it enacted, That all bye-laws made by any joint-stock company completely registered under this Act, in pursuance of the power hereinbefore given, must be reduced into writing, and must have affixed thereto the common seal of the company; and that such bye-laws must be registered at the office for registering joint-stock companies, and until they be so registered they shall not be of any force; and that such bye-laws must be printed and circulated for the use of the shareholders, and a copy thereof must be given to every officer of the company, and to every shareholder who shall require the same.

**Bye-laws to
be evidence.**

XLVIII. And be it enacted, That in all actions, suits, and other legal proceedings for the enforcement of such bye-laws, or other penalties for the breach thereof, the production of a written or printed copy of the bye-laws of the company, having the seal of office of the registrar of joint-stock companies affixed thereto, shall be sufficient evidence of such bye-laws.

**Capital :
Register of
shareholders.**

XLIX. And be it enacted, That it shall be the duty of the directors of every joint-stock company registered under this Act to keep or cause to be kept a book, to be called the "Register of Shareholders," and from time to time in such book to enter the following particulars; that is to say,

The names and addresses of all persons or corporations being shareholders of the company; and also,

The number of shares to which such shareholders shall be respectively entitled, distinguishing each share by its number; and also,

The amount of the instalments paid on such shares.



L. And be it enacted, That it shall be lawful for every shareholder, or if such shareholder be a corporation then the clerk or principal officer of such corporation, at all convenient times to search the register of shareholders gratis, and to require a copy thereof or of any part thereof; and that the company may demand a sum not exceeding sixpence for every one hundred words so required to be copied.

LI. And be it enacted, That, on demand of the holder of any share in any joint-stock company completely registered under this Act, the company shall cause a certificate of the proprietorship of such share to be delivered to such shareholder, specifying the share in the undertaking to which such shareholder is entitled, and the amount paid up in respect of such share at the date of such certificate, and shall have the common seal of the company affixed thereto; and for such certificate the company may demand any sum not exceeding one shilling; and that such certificate must be according to the form in the schedule (I.) to this Act annexed, or to the like effect.

LII. And be it enacted, That it shall be the duty of all courts of justice, judges, justices, and others to admit such certificate as *prima facie* evidence of the title of the shareholder to the share therein specified; nevertheless the want of such certificate shall not prevent the holder of any share from disposing thereof.

LIII. And be it enacted, That if any such certificate being produced at some meeting of the directors, it shall be lawful for them to order such certificate to be cancelled; and that thereupon another similar certificate shall, if he require the same, be given to the party in whom the property of such certificate and of the share therein mentioned shall at the time be vested; or if such certificate be lost or destroyed, then upon proof thereof, a similar certificate shall, if he require the same, be given to the party entitled to the certificate so lost or destroyed; and that in either case it shall be the duty of the secretary and he is hereby required to make a due entry of the substituted certificate in the register of shareholders; and for every such certificate so given or exchanged the com-

pany may demand any sum not exceeding the sum of one shilling.

Transfer of shares.

LIV. And be it enacted, That, subject to the regulations herein contained, and to be contained in any deed of settlement of any joint stock company completely registered under this Act, it shall be lawful for every shareholder of such company and he is hereby entitled to sell and transfer his shares therein by deed duly stamped, in which the full amount of the pecuniary consideration for such sale shall be truly expressed, and which instrument of transfer must be according to the form in the schedule (K.) to this Act annexed, or to the like effect; and that the directors of the company shall cause a memorial of such instrument of transfer, when produced at the office of the company, to be entered in a book to be called "The Register of Transfers," and the entry thereof to be endorsed on the instrument of transfer; and for every such entry and endorsement the company may demand any sum not exceeding one shilling.

Deed to be registered.

Endorsement of transfer.

Effect of non-delivery of transfer.

No transfer if shares not paid up.

and that until such instrument of transfer shall have been so produced at the office of the company the purchaser of the share shall not be entitled to receive any of the profits of the company, or to vote in respect of such share: Provided always, that if at the time of such transfer the shareholder shall not have paid the full amount due and payable to the company on every share held by him, then he shall not be entitled to transfer any share, unless there be a provision to the contrary in the deed of settlement.

Proceedings to recover instalments of capital.

Form of declaration for instalments.

LV. And be it enacted, That if any shareholder fail to pay any instalment of capital due upon or in respect of any share held by him, when the same shall become due, it shall be lawful for any such company and they are hereby authorized to sue such shareholder for the amount in an action of debt in any court having competent jurisdiction in respect of the same; and that in the declaration in any such action it shall be sufficient to state only that at the time of the commencement of the suit the defendant, as the holder of certain shares (stating how many) in a certain company or undertaking, as the case may be, (naming it,) was indebted to the company in a certain sum (stating the amount of the instalments, or so much thereof as is sought to be recovered,) for certain instalments of capital then due and payable in respect of the

said shares, and that the defendant hath not paid the same ; and that if upon the trial of any such action it Evidence. shall be proved that the defendant was the holder of any share when such instalments, or any of them, in respect of the same, and for which the action is brought, became due, then such company shall recover such instalments, Recovery of or so much thereof as is due, together with interest for instalments and interest. the same at the rate of five pounds *per centum per annum*, to be computed from the day on which such instalment shall have become due.

LVI. And be it enacted, That if any share be held jointly by several persons, then any notice required to joint proprietors. be given shall be given to such of the said persons whose name shall stand first on the register of shareholders, and notice so given shall be sufficient notice to all the proprietors of such share, and the person so standing first shall be entitled to vote, and to have all the privileges hereby conferred on shareholders.

LVII. And be it enacted, That at every principal place of business of any joint stock company completely registered under this Act it shall be the duty of the directors and officers of the company and they are hereby respectively required to have written or printed copies of an index or abstract of the deed of settlement, approved by the registrar of joint stock companies, and a list of the shareholders of the company, and the number of shares held by each, and also a list of the directors and officers thereof, and a copy of the bye-laws sealed with the seal of the company, as returned to the said Registry Office ; and that if at any reasonable time any shareholder, or any person authorized in writing by him, apply at any such place of business of the company, to inspect the same, then, on demand thereof made during the usual hours of business, it shall be the duty of the directors or officers and they respectively are hereby required to permit such inspection ; and that if on such demand any such director or officer to whom such demand is made do not thereupon permit such inspection, then, on conviction thereof, he shall be liable to pay for every such offence a sum not exceeding forty shillings.

LVIII. And be it enacted, with regard to all joint stock companies to which this Act is hereinbefore made Existing companies : Registration of existing companies. to apply, and which shall exist on the 1st day of November,

one thousand eight hundred and forty-four, whether incorporated by Act of Parliament or by charter, or privileged by letters patent, or established by virtue of a deed of settlement, or of any other instrument, or by virtue of any authority whatever, or in any other way whatever, That within three months from the said first day of November the directors, managers, officers, or others having the direction, management, conduct, superintendence, or execution of the affairs of any such company, shall register such company at the office for the registration of joint stock companies, and for that purpose shall make or cause to be made a return of the following particulars, according to the schedule (I) hereunto annexed ; that is to say,

1. The name or style of the company ; and also,
2. The purpose of the company ; and also,
3. The principal or only place for carrying on its business :

Returns of
matters for
registration.

Certificate of
registration
gratis.

And that on such registration every such company shall be entitled to have a certificate of registration, without paying any fee either for such registration or for such certificate, but such certificate shall be for the purpose of showing that such company had registered, and shall not be considered as a certificate of complete registration, & as to confer on any such company the powers and privileges of this Act ; and that if within the said period the persons hereby required to register any such company fail so to do, then, on conviction thereof, every such company so failing shall forfeit for every such offence a sum not exceeding fifty pounds.

Penalty.

Privileges of
future com-
panies under
this Act
extended to
existing
companies
fully consti-
tuted,

LIX. And be it enacted, with regard to such existing companies as aforesaid (except assurance companies), That if any such existing company be so constituted as is by this Act required with regard to any future company, or if the deed or deeds of settlement of such existing company contain the particulars by this Act required to be contained in some one or other deed of settlement of such future company, and if any other conditions required to be fulfilled by or in respect of any such future company, in order to obtain certificate of complete registration, be fulfilled in respect of any such existing company, then such existing company shall be entitled to obtain a certificate of complete registration ; but if such

existing company be not so constituted, or if such deed or existing companies fully complying. of settlement do not contain such particulars, or if such other conditions be not fulfilled, then, on such existing company returning a deed or deeds according to the provisions of this Act, and also, in addition to any other matters by this enactment required to be returned by such existing company, such other matters as are by this Act required to be returned by any future company in order to obtain or before obtaining a certificate of complete registration as aforesaid, or such modification of the said deeds or returns, or of any of them, as the committee of privy council for trade shall direct by any regulation to be made in that behalf, either on the part or in respect of any one company or of any class of companies, and signed by one of the secretaries of the said committee, such existing company shall be entitled to a certificate of complete registration ; and on such certificate of complete registration being granted by the registrar of joint stock companies it shall be lawful for such existing company, its shareholders, its directors, and its officers, and they are respectively hereby empowered, to have and exercise all such powers and privileges as are by this Act conferred upon joint stock companies to be hereafter formed, subject nevertheless with respect to all such powers and privileges to the provisions of this Act, or of any other Act to be hereafter passed for regulating the same ; and that every such company not incorporated shall be incorporated for the purposes of this Act, as from the date of the certificate of complete registration, in such manner as hereinbefore provided with regard to companies to be formed after the first day of *November* next ; and that any directors or other managers of any such company as last aforesaid, with the consent of at least three-fourths in number and value of the shareholders of such company present at a general meeting summoned for that purpose, may at any time or times hereafter make any alterations in the constitution of the said company or otherwise as shall be necessary for enabling such company to come within the provisions of this Act, so as the same shall be approved of by the said committee of privy council for trade ; and the order of such committee, signed as aforesaid, shall be sufficient evidence of such provisions having been complied with, and that any such company has come within the provisions of this Act : Provided always, with regard to existing companies, that Fees for cer-

Effect of
certificate of
complete
registration.

Incorpora-
tion.

Alteration of
deeds of set-
tlement in
compliance
with this Act.

tificates of complete registration for existing companies.

in the event of any such company becoming entitled to a certificate of complete registration as aforesaid it shall not be necessary to pay in respect of such certificate any higher fee than the sum of five pounds, and also the sum of sixpence additional in respect of every thousand pounds value of capital, as declared on the formation of the company in the deed of settlement, or by any other special authority.

Registration of companies begun or formed after the passing of this Act.

LX. And be it enacted, That so much of the provisions of this Act as are applicable to companies formed after the first day of *November* next shall apply to companies begun or formed since the passing of this Act, so far as such provisions shall on or after the said first day of *November* be applicable to such last-mentioned companies.

Effect of incorporation of existing companies in respect of their obligations.

LXI. Provided always, and be it enacted, That, notwithstanding the incorporation of any existing company in pursuance of this Act, every such company, and the members and officers of every such company, shall be liable to be sued in respect of any valid obligation incurred before such incorporation, in the same manner and with the same legal consequences as if such company had not been incorporated.

Modification of conditions and regulations as to companies.

LXII. And be it enacted, That if at any time during the period of five years from the said first day of *November* a memorial be presented to the committee of privy council for trade, by or on the part of any company, whether now existing or hereafter formed, except assurance companies, making application that any of the conditions and regulations prescribed by this Act be dispensed with or modified, and setting forth the special grounds of such application, and if such application be registered at the office of the registrar of joint stock companies, and if, before such application be granted, the same be three times advertised, at intervals not less than one week, in the *London Gazette*, then from time to time during the said period of five years, and six months after the expiration thereof, it shall be lawful for the said committee, and they are hereby empowered, both as regards companies formed before this Act shall come into operation and afterwards, either to dispense with or modify such of the conditions by this Act required to be fulfilled by any future company for the

Board of Trade to receive and decide applications.

purpose of obtaining a certificate of complete registration, and such of the regulations by this Act made for the government or management of such companies, as to the said committee shall seem fit for facilitating the application of this Act to the constitution and arrangements of any such company, but so that nevertheless the order or instrument by which such dispensation or such modification shall be made be in writing, and be registered at the office for registering joint-stock companies ; and this Act shall be construed as if such modifications or alterations were herein contained ; and further that annually it shall be the duty of the said committee to cause to be laid before both Houses of Parliament a return of all such applications for such dispensation or modification, and of the orders made on such applications.

Return to
Parliament
by Board of
Trade.

LXIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to any partnership formed for the working of mines, minerals, and quarries, of what nature soever, on the principle commonly called the Cost Book Principle.

Act not to
extend to
certain part-
nerships for
working
mines, &c.;

LXIV. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to partnerships in *Ireland* commonly called "Anonymous Partnerships," formed under and by virtue of an Act passed in the Parliament of *Ireland* in the twenty-first and twenty-second years of the reign of his late Majesty King *George* the Third, intituled "An Act to promote Trade and Manufactures by regulating and encouraging Partnerships."

nor to Irish
anonymous
partnerships.

21 & 22 G. 3.
c. 46. (I.)

LXV. And forasmuch as great injury has been inflicted upon the public by companies falsely pretending to be patronised or directed or managed by eminent or opulent persons ; now for the purpose of preventing such false pretences, be it enacted, with regard to every company or pretended company whatsoever, whether registered or not, and whether now existing or not, That if any person shall make any such false pretences, knowing the same to be false, in any advertisement or other paper, whether printed or written, and whether published in any newspaper, or handbill, or placard, or circular, then every such person shall forfeit for every such offence a sum not exceeding ten pounds.

*Prevention of
Fraudulent
Companies.*

Punishment
for pretences
as to pa-
tronage, &c.

Legal
Proceedings.

Effect of
judgments
against a
company and
shareholders.

LXVI. Provided always, and be it enacted, That every judgment and every decree or order which shall be at any time after the passing of this Act obtained against any company completely registered under this Act, except companies incorporated by Act of Parliament or charter, or companies the liability of the members of which is restricted by virtue of any letters patent, in any action, suit, or other proceeding prosecuted by or against such company in any court of law or equity, shall and may take effect and be enforced, and execution thereon be issued, not only against the property and effects of such company, but also, if due diligence shall have been used to obtain satisfaction of such judgment, decree, or order, by execution against the property and effects of such company, then against the person, property, and effects of any shareholder for the time being, or any former shareholder of such company, in his natural or individual capacity, until such judgment, decree, or order shall be fully satisfied; provided, in the case of execution against any former shareholder, that such former shareholder was a shareholder of such company at the time when the contract or engagement for which such judgment, decree, or order may have been obtained was entered into, or became a shareholder during the time such contract or engagement was unexecuted or unsatisfied, or was a shareholder at the time of the judgment, decree, or order being obtained; provided also that in no case shall execution be issued on such judgment, decree, or order against the person, property, or effects of any such former shareholder of such company after the expiration of three years next after the person sought to be charged shall have ceased to be a shareholder of such company.

No execution
against for-
mer share-
holders
beyond three
years after
ceasing to be
a shareholder.

Reimburse-
ment of
shareholders
against whom
execution
issued.

Contribution
by other
shareholders.

LXVII. Provided always, and be it enacted, That every person against whom, or against whose property or effects, execution upon any judgment, decree, or order obtained as aforesaid shall have been issued as aforesaid shall be entitled to recover against such company all loss, damages, costs, and charges which such person may have incurred by reason of such execution; and that, after due diligence used to obtain satisfaction thereof against the property and effects of such company, such person shall be entitled to contribution for so much of such loss, damages, costs, and charges as shall

remain unsatisfied, from the several other persons against whom execution upon such judgment, decree, or order, obtained against such company, might also have been issued under the provision in that behalf aforesaid; and that such contribution may be recovered from such persons as aforesaid in like manner as contribution in ordinary cases of copartnership.

LXVIII. And be it enacted, That in the cases provided by this Act for execution on any judgment, decree, or order, in any action or suit against the company, to be issued against the person or against the property and effects of any shareholder or former shareholder of such company, or against the property and effects of the company, at the suit of any shareholder or former shareholder, in satisfaction of any moneys, damages, costs, and expenses paid or incurred by him as aforesaid in any action or suit against the company, such execution may be issued by leave of the court, or of a judge of the court, in which such judgment, decree, or order shall have been obtained, upon motion or summons for a rule to show cause, or other motion or summons consistent with the practice of the court, without any suggestion or *scire facias* in that behalf; and it shall be lawful for such court or judge to make absolute or discharge such rule, or allow or dismiss such motion, (as the case may be,) and to direct the costs of the application to be paid by either party, or to make such other order therein as to such court or judge shall seem fit; and in such cases such form of writs of execution shall be sued out of the courts of law and equity respectively for giving effect to the provision in that behalf aforesaid as the judges of such courts respectively shall from time to time think fit to order; and the execution of such writs shall be enforced in like manner as writs of execution are now enforced; Provided that any order made by a judge as aforesaid may be discharged or varied by the court, on application made thereto by either party dissatisfied with such order: Provided also, that no such motion shall be made, nor summons granted, for the purpose of charging any shareholder or former shareholder, until ten days notice thereof shall have been given to the person sought to be charged thereby.

Alteration of orders by the court.
Notice.

LXIX. And be it enacted, That all penalties and forfeitures inflicted or authorized to be imposed by this

Proceedings
before two
Justices.

Act, and all costs and expenses for which any person may be liable under this Act or by virtue of any bye-law, and the recovery of which has not been otherwise specially hereinbefore provided, shall and may be recovered, by any person who shall proceed for the same, before any two of her Majesty's justices of the peace of the county, city, or place where the offender or person liable to pay such costs or expenses shall reside, or where the offence shall be committed.

Appropria-
tion of
penalties.

3 G. 4. c. 46.

LXX. Provided always, and be it enacted, That all penalties and forfeitures recovered under this Act, and not otherwise specially appropriated, shall be applied as follows; one-half thereof shall be paid to the person who shall sue or proceed for the same, and the other half to her Majesty's use, and shall be paid to the sheriff of the county, city, or town where the same shall have been imposed; and that all convictions before justices shall be returned to the Court of Quarter Sessions under the provisions of an Act passed in the third year of the reign of his late Majesty King *George* the Fourth, intituled "An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures, and Recognisances estreated," and shall be paid to the sheriff of the county, city, or town, and shall be duly accounted for by him.

Summons in
the recovery
of penalties.

Proceedings.

LXXI. And be it enacted, That in all cases in which any penalty or forfeiture or any costs or expenses are recoverable before two justices of the peace under this Act, it shall and may be lawful for any one justice of the peace to whom complaint shall be made of any such offence to summon the party complained of, and the witnesses on each side, before any two such justices; and at the time and place mentioned in such summons, or at any adjournment of such summons, the said two justices may hear and determine the matter of such complaint, and upon due proof thereof, either by confession of the party or by the oath of one or more credible witness or witnesses, give judgment or sentence on such complaint, with costs to be allowed by such justices, although no information in writing shall have been exhibited or taken; and all such proceedings by summons without information shall be as good, valid, and effectual to all intents and purposes as if an information in writing had been exhibited; and all penalties, forfeitures, and costs

so adjudged may be levied by distress and sale of the goods and chattels of the party offending, by warrant under the hand and seal of any one justice; and in default of such distress the offender may be committed to prison by any one justice, by warrant under his hand and seal, there to remain for any time not exceeding three months, unless such penalties, forfeitures, and costs shall be sooner paid.

LXXII. And be it enacted, That if any person shall be summoned as a witness to give evidence before such justices of the peace touching any matter which such justices are hereby authorized to inquire into, and shall neglect or refuse to appear at the time and place to be for that purpose appointed, without a reasonable excuse for such neglect or refusal, to be allowed by such justices, or appearing shall refuse to be examined on oath and give evidence before such justices, then every such person shall forfeit for every such offence a sum not exceeding five pounds to be levied and paid in such manner and by such means as are hereinbefore directed as to other penalties recoverable before justices under this Act.

Compulsory
attendance of
witnesses.

LXXIII. And be it enacted, That every proceeding for any offence punishable on summary conviction by virtue of this Act shall be commenced within six months after the commission of the offence, and not after.

Limitation of
proceedings
for penalties.

LXXIV. And be it enacted, That if any person shall think himself aggrieved by the judgment of such justices, he may, within one month next after such conviction, and upon giving ten days' notice of appeal in writing to the party in whose favour such judgment shall have been given, stating the nature and grounds of appeal, and upon entering into recognizances with two sufficient sureties to the amount of the value of such penalty and costs, together with such further costs as shall be awarded in case such judgment shall be affirmed, appeal to the next general quarter sessions of the peace for the county, city, or place where such conviction shall have been made; and the justices at such sessions are hereby empowered to summon and examine witnesses on oath, and to hear and finally determine the matter of such appeal, and to award such costs as the court shall think reason-

Appeal to
quarter ses-
sions.

Proceedings.

able to the party in whose favour such appeal shall be determined.

Informalities. LXXV. And be it enacted, That no conviction or other proceeding before justices under this Act shall be set aside for want of form nor be removed by certiorari or otherwise into any of her Majesty's Superior Courts of Record.

Recovery of penalties by action. LXXVI. And be it enacted, That in any case to which a penalty is annexed by this Act the whole or any part of such penalty may be recovered by action of debt in any court now or hereafter having competent jurisdiction, by any person who shall sue for the same; and that in every such action for the recovery of such penalty, so much of such penalty as is sought to be recovered shall be endorsed on the writ of summons, and the plaintiff shall not be entitled to recover a greater sum than the sum so endorsed; and if the party suing for any such penalty recover the same or any part as aforesaid, he shall be entitled to full costs of suit.

Actions, &c. for penalties to be in the name and with the consent of the attorney-general; otherwise void. LXXVII. And be it enacted, That it shall not be lawful for any person to commence or prosecute any action, bill, plaint, information, or prosecution in any of her Majesty's superior courts, for the recovery of any penalty or forfeiture incurred by reason of any offence committed against this Act, unless the same be commenced or prosecuted in the name and with the consent of her Majesty's attorney-general; and that if any action, bill, plaint, information, or prosecution, or any proceeding before any justices as aforesaid, shall be commenced or prosecuted in the name of any other person than is in that behalf before mentioned, the same shall be and are hereby declared to be null and void.

Mis-cellaneous. — **Authenticatⁿion of acts by committee of privy council for trade.** LXXVIII. And be it enacted, That with regard to every act, instrument, or writing by this Act required or authorized to be done or to be made or executed by the committee of Privy Council for Trade, that if the same purport to be so done, made, or executed by or on behalf of the said committee, and be signed by one of the secretaries of the said committee, and (if it require a seal) be sealed by the seal of the said committee, then it shall be deemed to be sufficiently done, made, or executed, to all intents and purposes.

LXXIX. And be it enacted, That it shall be the duty of the registrar of joint stock companies to make a report annually to the said committee of Privy Council for Trade, setting forth,—

1. A list of companies provisionally registered during the past year:
2. A list of companies completely registered during the past year:
3. A list of cases in which application shall have been made for the enforcement of penalties for failure to register, and the proceedings, whether by prosecution or otherwise, taken in consequence of such applications, and the results of such proceedings:
4. A list of companies which shall have been provisionally registered, but which have not obtained complete registration:
5. A return of the regulations made by the said committee with regard to the returns required to be made by companies:
6. A return of persons appointed to the office of registrar of joint stock companies, and other officers and clerks, and of their salaries or other remuneration, and of the rules made for the regulation of the said office:
7. A return of the amount of all fees paid for certificates of provisional or complete registration, and for every other purpose:
8. A return of the scale of fees appointed by the commissioners of her Majesty's Treasury for the services to be performed by the registrar, and of the respective amounts of such fees:
9. A return of the cases in which the companies had failed to appoint auditors, and of the proceedings taken thereon:
10. A return of prosecutions under this Act for any offences not hereinbefore specified:
11. A return of the number of bankruptcies of joint stock companies, and of the amount of the debts and assets of such companies respectively:
12. A return of modifications made by the committee of Privy Council for Trade, in pursuance of this

Act, in the conditions and regulations to be observed by companies, whether existing or future :

And that, within six weeks after the meeting of Parliament next after the first day of *January* in every year, such report shall be laid before both Houses of Parliament.

Amendment of Act. LXXX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present session of Parliament.

SCHEDULES TO WHICH THIS ACT REFERS.

SCHEDULE (A).—See § 7.

LIST OF PURPOSES for which provision is required to be made by the Deed of Settlement of a company before such company can obtain a certificate of complete registration.

I.—*For the holding of Meetings, and the Proceedings thereat; viz.*

1. For holding ordinary general meetings of the company once at the least in every year, at some appointed place and time.
2. For holding extraordinary meetings, either upon the convening of the directors of the company, or upon the requisition of not less than five shareholders.
3. For the adjournment of meetings.
4. For the advertisement and notification of meetings, and the business to be transacted thereat.
5. For defining the business which may be transacted at meetings, ordinary and extraordinary, or at adjournments thereof.
6. For the appointment of the chairman at any meeting of the company.

7. For ensuring that each shareholder shall have a vote ; and where it is not provided that each shareholder is to have a vote in respect of each share, the appointment of the number of votes to be given by shareholders in respect of any number of shares held by them.
8. For enabling guardians, trustees, and committees to vote in respect of the interests of infants, cestuique trusts, lunatics, and idiots.
9. For ascertaining what shall be the majorities or numbers of votes requisite to carry all or any questions, and where a simple majority is to decide.
10. For prescribing the mode and form of the appointment of proxies to vote in the place of absent shareholders, and for limiting the number of proxies which may be held by any one person.
11. For determining questions where the votes are equally divided, whether by the casting vote of the chairman or otherwise.

II.—For the Direction of the Execution of the Affairs of the Company, and the Registration of its Proceedings; viz.

12. For prescribing the maximum number of directors to be appointed ; the number of shares or the amount of interest by which they are to be qualified ; the period for which they are to hold office, so that at least one-third of such directors, or the nearest number to one-third, shall retire annually, subject to re-election if thought fit ; and for the determination of the persons who shall so retire in each year.
13. For filling up vacancies in the office of the directors as they occur ; but not so as to enable the board of directors (if the filling up be assigned to them) to fill up such vacancy for a longer period than until the next general meeting of the company.
14. For the continuance in office of directors in default of election of new directors.

15. For regulating the meetings of directors, the quorum thereof, the proceedings thereat, and the adjournment thereof.
16. For recording the attendances of directors, and reporting the same to the shareholders.
17. For the determination of questions upon which the votes of the directors may be equally divided.
18. For the appointment of a person to take the chair of the directors, and for supplying any vacancy in the office of chairman.
19. For the appointment of the chairman of the directors at meetings at which the permanent chairman may not be present.
20. For regulating the appointment by the directors of officers, clerks, and servants.
21. For recording the proceedings of the directors.
22. For keeping and entering of minutes of such proceedings.
23. For ensuring the safe custody of the seal of the company, and for regulating the authority under which it is to be used.
24. For providing for the remuneration of the auditors of the accounts of the company.
25. For providing for the appointment of a secretary or clerk (if any) of the directors.
26. For providing for the receipt, custody, and issue of moneys belonging to the company.
27. For providing for the keeping of books of account, and for periodically balancing the same.
28. For keeping the records and papers of the company.
29. For prescribing and regulating the duties and qualifications of officers.
30. For determining what books of accounts, books of registry, and other documents may be inspected by the shareholders of the company, and for regulating such inspection.

III.—For the Distribution of the Capital of the Company into Shares, or for the Apportionment of the Interest in the Property of the Company; viz.

31. For determining whether calls or instalments of payments (if any) are to be made in certain amounts and at fixed periods, and if so, what amounts and at what periods.
32. For determining whether, on failure to pay any instalments or calls, the share shall or shall not be forfeited, and if forfeited, whether and on what conditions the property in such share may be recovered by the shareholder.
33. For determining whether, and under what circumstances and on what conditions, the capital of the company may be augmented, by the conversion of loans into capital or otherwise, or by the issue of new shares or otherwise.
34. For determining whether the amount of new capital shall or shall not be divided so as to allow such amount to be apportioned amongst the existing shareholders.

IV.—For the borrowing of Money; viz.

35. For determining whether the company may borrow money, and if so, whether on bond or mortgage, or any other and what security.
36. For determining whether the directors may contract debts in conducting the affairs of the company, and if so, whether to any definite extent.
37. For determining whether and to what extent the directors may make or issue promissory notes.
38. For determining whether and to what extent the directors may accept bills of exchange.

SCHEDULE (B).—See § 7.

CERTIFICATE required to be endorsed on the Deed of Settlement, and signed by two Directors.

We do hereby certify, that the within-written deed is the deed of settlement of Company, and that to the best of our knowledge the particulars therein contained are correctly set forth.

SCHEDULE (C)—See § 4.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, 7 & 8 Vict. c. 110, 1844.

For Provisional Registration.

Name and Business of the Company.

Name of the proposed Company.	Business or Purpose.	Place of Business (if any).

Promoters of the Company.

Names.	Occupations.	Places of Business (if any).	Places of Residence.

* * The Names of the Provisional Officers may be added to this Return under a separate Head, and the Subscribers may be given in a similar manner.

Provisional Committee or Provisional Directors.

Names.	Occupations.	Places of Business (if any).	Places of Residence.	Signature of Consent to act on Committee or as a Director.

Dated this

day

18

[Signature.]

SCHEDULE (D).

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, 7 & 8 Vict. c. 110, 1844.

Change of Place of Business.

Name of Company.	Business or Purpose.	Former Place [or principal Place, if more than One] of Business.	Present Place [or principal Place] of Business, if changed since incorporation.

[Date.]

[Signature.]

SCHEDULE (E.)—See § 11.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, 7 & 8 Vict. c. 110, 1844.

Transfer of Shares.

Name of Company.	Business or Purpose.	Place [or principal Place, if more than One] of Business.	
Name and Place of Abode of Person by whom Transfer is made.	Name and Place of Abode of Person to whom Transfer is made.	Distinctive Numbers of the Shares transferred.	Date of Transfer.

[Date.]

[Signature.]

SCHEDULE (F.)—See § 12.

RETURN made pursuant to the JOINT STOCK COMPANIES REGISTRATION and REGULATION ACT, 7 & 8 Vict. c. 110, 1844.

Change of Shareholders.

Name of Company.	Business or Purpose.	Place [or principal Place, if more than One] of Business.
—	—	—
—	—	—

Persons known to have ceased to be Shareholders (except by Transfer) since the last Return, dated the day of

Name.	Place of Abode.	Distinctive Number of Shares.
—	—	—
—	—	—

Persons known to have become Members (except by Transfer) since the last Return, dated the day

Name.	Place of Abode.	Distinctive Number of Shares.
—	—	—
—	—	—

Persons whose Names have become changed by Marriage or
otherwise.

Former Name. [Am]	Former Place of Abode.	Present Name.	Present Place of Abode.	Distinctive Num- ber or Surname.

[Date.]

[Signature.]

SCHEDULE (G.)—See § 56.

RETURN made pursuant to the JOINT STOCK COMPANIES REGIS-
TRATION and REGULATION ACT, 7 & 8 Vict. c. 110, 1844.

For Registration of existing Companies, Name of the Company,
Business, &c.

Name of the Company.	Business or Purpose.	Place of Business, with the Branches (if any).

SCHEDULE (H.)

RETURN made pursuant to the JOINT STOCK COMPANIES REGIS-
TRATION and REGULATION ACT, 7 & 8 Vict. c. 110, 1844.

CORRECTED RETURN.

[Copy of former incorrect Return.]

Copy.

Amended Return, with correct Names and Descriptions [in such of
the preceding Forms as are applicable to the case under the provi-
sions of the foregoing Act.]

[Date.]

[Signature.]

SCHEDULE (I.)—See § 50.

CERTIFICATE OF SHARE.

The company, first completely registered on the
day of 18 .
Number

This is to certify, that *A. B.* of _____ is the proprietor
of the share, number _____ of the _____ company, subject
to the regulations of the said company, and that up to this day
there has been paid up, in respect of such share, the sum of
Given under the common seal of the said company, the
day of _____ in the year 18_____.

(Signature)

[Signature of Secretary.] (L.s.)

SCHEDULE (K).—See § 58.

SCHEDULE (K.)—See § 53.

I A. B. of in consideration of
the sum of paid to me by C. D.
of do hereby transfer to the said share
[or shares], numbered in the undertaking called the
Company, to hold unto the said
his executors, administrators, and assigns, [or successors and
assigns,] subject to the several conditions on which I hold the same
at the time of the execution hereof. And I the said
do hereby agree to take the said share [or shares], subject to the
same conditions, and to the provisions of the deed or deeds of settle-
ment of the said company. As witness our hands and seals, the
day of

[Signature.]

I N D E X.

Explanation of References.

Where the *page only* is given, the reference is to the former portion of the volume, detailing the proceedings in Parliament on Railway Bills.

The references to the Standing Orders are marked with the numbers of those Orders; those of the House of Lords being distinguished by "H. L." added; those of the Commons by "H. C."—thus: 77 (H. C.) 88 (H. L.)

The references to the Acts contained in the volume are distinguished thus:—
8 Vict. c. 16, s. 60; 8 Vict. c. 20, s. 3; &c.

ABSTRACT,

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